

The following edits to the existing MS4 Permit (shown as redlines, and, where appropriate, with comments) are provided as recommendations to the RWQCB for consideration during development of the fourth-term permit:

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. The 1987 amendments to the Clean Water Act (CWA) added Section 402(p) that establishes a framework for regulating municipal and industrial (including construction) storm water discharges under the National Pollutant Discharge Elimination System (NPDES) permit. Section 402(p) of the CWA requires NPDES permits for storm water discharges from municipal separate storm sewer systems (MS4), as well as other designated storm water discharges that are considered significant contributors of pollutants to waters of the United States. On November 16, 1990, the United States Environmental Protection Agency (hereinafter EPA) published Phase I regulations (40 CFR Parts 122, 123 and 124), which describe permit application requirements for storm water discharges.
2. Prior to EPA's promulgation of the Phase I storm water regulations, the three counties (Orange, Riverside, and San Bernardino) and the incorporated cities within the jurisdiction of the Santa Ana Regional Board requested areawide NPDES permits for urban storm water runoff. On October 19, 1990, the Regional Board adopted Order No. 90-136 for urban storm water runoff from urban areas in San Bernardino County within the Santa Ana Region. The San Bernardino County Flood Control District was named as the principal permittee and San Bernardino County and the incorporated cities were named as the co-permittees. Order No 96-32, issued by the Regional Board on March 8, 1996, renewed the permit for another five years.
3. Order No. 96-32 expired on March 1, 2001. On September 1, 2000, the San Bernardino County Flood Control District (SBCFCD), in cooperation with the County of San Bernardino, and the incorporated cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa (hereinafter collectively referred to as "permittees" or dischargers) jointly submitted NPDES Application No. CAS618036 and a Report of Waste Discharge for reissuance of their area-wide storm water permit for urban storm water runoff. The Report of Waste Discharge was submitted in accordance with Section V.29 of the previous NPDES permit (Order No. 96-32) as application for permit renewal. In order to more effectively carry out the requirements of this Order, the permittees agreed that the San Bernardino County Flood Control District (SBCFCD) would continue as the principal permittee and San Bernardino County and the incorporated cities would be co-permittees. On March 2, 2001, Order No. 96-32, NPDES No. CAS618036, was administratively extended in accordance with 40 CFR Part 122.6 and Title 23, Division 3, Chapter 9, §2235.4 of the California Code of Regulations.
4. Within the Santa Ana Region, the permittees serve a population of approximately 1.33 million, occupying an area of approximately 985 square miles. The latest figures obtained from the Reconnaissance Progress Report estimated 384 miles of above-ground and 334

miles of below-ground storm drain channels in the project area. Approximately seven percent (7%) of the San Bernardino County area drains into water bodies within this Regional Board's jurisdiction. The project area is shown on Attachment 1. Approximately 50% of the remaining San Bernardino County drainage areas are within the jurisdiction of the Lahontan Regional Board and the other 43% is within the jurisdiction of the Colorado River Basin Regional Board. However, urbanization in those areas is minimal compared to areas within the Santa Ana Regional Board's jurisdiction.

5. Runoff from the San Bernardino County drainage areas is generally conveyed to the Riverside County drainage areas through the Santa Ana River or other drainage channels tributary to the Santa Ana River. These flows are then discharged to Reach 2 of the Santa Ana River through Prado Basin (Reach 3 of the Santa Ana River). Most of the flow in Reach 2 is recharged in Orange County. During wet weather, some of the flow may be discharged to the Pacific Ocean through Reach 1 of the Santa Ana River.
6. The Santa Ana River Basin is the major watershed within this Region. This watershed is divided into the lower Santa Ana River, middle Santa Ana River, Chino basin, upper Santa Ana and Big Bear Lake watersheds. The lower Santa Ana River Basin (downstream from Prado Dam) includes the Orange County drainage areas, and the rest of the Santa Ana River Basin includes the San Bernardino County and the Riverside County drainage areas. The San Bernardino County drainage areas are generally upstream of the Riverside County drainage areas. Some of the main surface water bodies in San Bernardino County within areas regulated under this Order include:
 - a. Santa Ana River, Reaches 4, 5, and 6,
 - b. Cucamonga Creek,
 - c. San Sevaine Channel,
 - d. Lytle Creek,
 - e. San Timoteo Creek,
 - f. Bear Creek,
 - g. Mill Creek (in San Bernardino area).

Surface water bodies in San Bernardino County within the jurisdiction of Santa Ana Region are listed in Attachment 2.

Comment [m1]: Recommend replacing partial list with complete list in Basin Plan - insert as table or attachment

7. Beneficial uses recognized in the Basin Plan include: ~~The beneficial uses of these water bodies include~~ municipal and domestic supply, agricultural supply, industrial service supply, groundwater recharge, hydropower generation, water contact recreation, non-contact water recreation, and sportfishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat and preservation of rare, threatened or endangered species. Attachment 2 to this Order documents the beneficial uses applicable to each surface water body listed in the Basin Plan. ~~The ultimate goal of this storm water management program is to protect the beneficial uses of the receiving waters.~~
8. The three county areas within this Region are regulated under three area-wide permits for urban storm water runoff. These area-wide NPDES permits are:

- a. Orange County, NPDES No. CAS618030,
- b. Riverside County, NPDES No. CAS618033, and
- c. San Bernardino County, NPDES No. CAS618036.

For an effective watershed management program, coordination among the regulators, the municipal permittees, the public, and other entities is essential.

9. Studies conducted by the EPA, the states, flood control districts and other entities indicate the following major sources for urban storm water pollution nationwide:
 - a. Industrial sites where appropriate pollution control and best management practices (BMPs)⁵ are not implemented;
 - b. Construction sites where erosion and siltation controls and BMPs are not implemented; ~~and~~
 - c. Urban runoff where the drainage area is not properly managed; and
 - d. Natural background.
10. A number of permits were adopted to address pollution from the sources identified in Finding 9, above. The State Board issued two statewide general NPDES permits: one for storm water runoff from industrial activities (NPDES No. CAS000001, General Industrial Activities Storm Water Permit) and the second one for storm water runoff from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit). Industrial activities (as identified in 40 CFR 122.26(b)(14) and construction sites on five-one acres or more, are required to obtain coverage under these statewide general permits. The permittees have developed project conditions of approval requiring coverage under the State's General Permit for new developments to be implemented at the time of grading or building permit issuance for construction sites on five-one acres or more and at the time of local permit issuance for industrial facilities. The State Board also adopted Order No. 99-06-DWQ, NPDES No. CAS000003, for storm water runoff from facilities owned and/or operated by Caltrans (including freeways and highways). The Regional Board adopted Order 99-11, NPDES No. CAG018001, for concentrated animal feeding operations, including dairies. The Regional Board also issues individual storm water permits for certain industrial facilities within the Region. Currently there are 22 individual storm water NPDES permits in the Region; 10 of these facilities are located in the San Bernardino County area. Additionally, for a number of facilities that discharge process wastewater and storm water, storm water discharge requirements are included with their facilities' NPDES permit for process wastewater.
11. [REVISED FINDING] In most cases, the industries and construction sites covered under the Statewide General Industrial and Construction Permits discharge into storm drains and/or flood control facilities owned and operated by the permittees. The permittees have enacted a system of local ordinances, building permits and business licensing practices to further regulate residential, industrial and construction sites within their jurisdiction for the

⁵ Best Management Practices (BMPs) are water quality management practices that are maximized in efficiency for the control of storm water runoff pollution.

purpose of reducing stormwater pollution to the maximum extent practicable as required by state and federal law. In most cases, the industries and construction sites covered under the Statewide General Industrial and Construction Permits discharge into storm drains and/or flood control facilities owned and operated by the permittees. These industries and construction sites are also regulated under local laws and regulations. Furthermore, the permittees authorize and permit developments within their jurisdiction, and they own, operate, and control the MS4 systems. The permittees approve residential, commercial, and industrial developments, and cause urbanization of the area and also benefit from it. Therefore, they have a responsibility to address any water quality problems resulting from this urbanization.

XX. [NEW FINDING] The Regional Board administers compliance with the State's General Industrial Activities Storm Water Permit and the General Construction Activity Storm Water Permit. A coordinated effort between the permittees and the Regional Board staff is critical to avoid duplicative effort when overseeing the compliance of dischargers covered under the Statewide general permits. As part of this coordination, the permittees have been notifying Regional Board staff when, during their routine activities, they observe conditions that pose a potential threat to water quality or when they discover an industrial facility or construction activity that failed to obtain coverage under the appropriate general storm water permit. The Regional Board administers compliance with the State's General Industrial Activities Storm Water Permit and the General Construction Activity Storm Water Permit. A coordinated effort between the permittees and the Regional Board staff is critical to avoid duplicative and overlapping efforts when overseeing the compliance of dischargers covered under the Statewide General Permits. As part of this coordination, the permittees have been notifying Regional Board staff when during their routine activities, they observe conditions that pose a threat or potential threat to water quality, or an industrial facility or construction activity that has failed to obtain coverage under the appropriate general storm water permit.

12. This Order regulates urban storm water runoff⁶ from areas under the jurisdiction of the permittees. The term storm water as used in this Order includes storm water runoff, snowmelt runoff, and surface runoff and drainage. The permittees have jurisdiction over and/or maintenance responsibility for storm water conveyance systems within San Bernardino County. The permittees ~~may~~ lack legal jurisdiction over storm water discharges into their systems from ~~some of the~~ State and federal facilities, e.g., schools and hospitals, utilities and special districts, Native American tribal lands, waste water management agencies and other point and non-point source discharges otherwise permitted by the Regional Board. The Regional Board recognizes that the permittees should not be held responsible for such facilities and/or discharges.

13. [REVISED FINDING] Certain activities that generate pollutants present in storm water runoff may be beyond the ability of permittees to prevent or eliminate. Examples of these include, but are not limited to: emissions from internal combustion engines, brake pad and tire wear, atmospheric deposition, bacteria from wildlife (including feral dogs and cats).

⁶ Urban storm water runoff includes those discharges from residential, commercial, industrial and construction areas within the permitted area and excludes discharges from feedlots, dairies and farms.

~~leaching of naturally-occurring nutrients or minerals in local soils. This order is intended to regulate the discharge of pollutants in urban storm water runoff from anthropogenic (e.g. generated from human activities) sources and is not intended to address background or naturally-occurring pollutants or flows. Certain activities that generate pollutants present in storm water runoff may be beyond the ability of the permittees to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear and leaching of naturally occurring minerals from local geography. This Order is intended to regulate the discharge of pollutants in urban storm water runoff from anthropogenic (generated from human activities) sources and is not intended to address background or naturally-occurring pollutants or flows.~~

14. A major portion of San Bernardino County within the Santa Ana Regional Board jurisdiction is being urbanized with residential, commercial, and industrial developments. Urban development increases impervious surfaces and storm water runoff volume and velocity; and decreases vegetated pervious surface available for infiltration of storm water. Increase in runoff volume and velocity may cause scour, erosion (sheet, rill and/or gully), aggradation (raising of a streambed from sediment deposition), changes in fluvial geomorphology, hydrology, and changes in aquatic ecosystem. The local agencies (the permittees) are the owners and operators of the MS4 systems and have authority to control discharges to these systems. The permittees have established appropriate legal authority to control discharges into their respective MS4 systems. They adopted grading and/or erosion control ordinances, guidelines and best management practices (BMPs) for municipal, commercial, and industrial activities. The permittees must exercise a combination of these programs, policies, and legal authority to minimize controllable pollutant loads resulting from urbanization to MEP.
15. If not properly controlled and managed, urbanization could result in the discharge of pollutants into storm water runoff. Urban area runoff (Finding 9.c.) may contain elevated levels of pathogens (bacteria, protozoa, viruses), sediment, trash, fertilizers (nutrients, nitrogen and phosphorus compounds), pesticides (DDT, chlordane, diazinon, chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). Storm water can carry these pollutants to rivers, streams, lakes, bays and the ocean (receiving waters).
16. These pollutants can then impact the beneficial uses of the receiving waters and can cause or threaten to cause a condition of pollution or nuisance. Pathogens (from sanitary sewer overflows, septic system leaks, spills and leaks from portable toilets, pets, wildlife, and human activities) can impact water contact recreation, non-contact water recreation and shellfish harvesting. On a nationwide basis, microbial contamination of the beaches from urban runoff and other sources has resulted in beach closures and health advisories. Floatables (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors. Oil and grease can coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components can cause toxicity to aquatic organisms and can impact human health. Suspended and settleable solids (from sediment, trash, and industrial activities) can be deleterious to benthic organisms and may cause anaerobic conditions to form. Sediments and other

suspended particulates can cause turbidity, clog fish gills and interfere with respiration in aquatic fauna. They can also screen out light, hindering photosynthesis and normal aquatic plant growth and development. Toxic substances (from pesticides, herbicides, petroleum products, metals, and industrial wastes) can cause acute and/or chronic toxicity, and can bioaccumulate in aquatic resources (sediments and biota) to levels, which are harmful to human health. Nutrients (from fertilizers, confined animal facilities, pets, and birds) can cause excessive algal blooms. These blooms can lead to problems with taste, odor, color and increased turbidity, and can depress the dissolved oxygen content, leading to fish kills.

17. **[REVISED FINDING]** The water quality assessment conducted by Regional Board staff has identified a number of other beneficial use impairments from urban runoff. Section 3035(b) of the CWA requires each of the regional boards to routinely monitor and assess the quality of waters of the region. If this assessment indicates that beneficial uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an impaired waterbody. The 1998-2002 water quality assessment listed a number of water bodies within the Region under Section 303(d) as impaired waterbodies. In 2006, a TMDL was adopted that address a number of water bodies listed as impaired for pathogens (Santa Ana River, Reach 3; Chino Creek, Reaches 1 and 2; Prado Park Lake; Mill Creek (Prado Area); and Cucamonga Creek, Reach 1). Other water bodies in the San Bernardino County area listed as impaired on the 2002 303(d) for which TMDLs have not been adopted, these include:

Comment [m2]: Recommend that findings contain complete list of 303(d) listed waters within area covered by the MS4 Permit. Text may require further updating if 2006 303(d) list is adopted prior to issuance of new MS4 Permit.

<u>Water Body Name</u>	<u>Pollutant/Stressor</u>	<u>Potential Sources</u>
<u>Big Bear Lake</u>	<u>Copper</u>	<u>Resource extraction</u>
	<u>Mercury</u>	<u>Resource extraction</u>
	<u>Metals</u>	<u>Resource extraction</u>
	<u>Noxious aquatic plants</u>	<u>Construction/Land development</u>
		<u>Unknown point source</u>
	<u>Nutrients</u>	<u>Construction/Land development</u>
		<u>Snow skiing activities</u>
	<u>Sedimentation/Siltation</u>	<u>Construction/Land development</u>
		<u>Snow skiing activities</u>
		<u>Unknown nonpoint source</u>
<u>Summit Cr.</u>	<u>Nutrients</u>	<u>Construction/Land development</u>
<u>Knickerbocker Cr.</u>	<u>Metals</u>	<u>Unknown nonpoint source</u>
	<u>Pathogens</u>	<u>Unknown nonpoint source</u>
<u>Grout Cr.</u>	<u>Metals</u>	<u>Unknown nonpoint source</u>
	<u>Nutrients</u>	<u>Unknown nonpoint source</u>
<u>Rathbone Cr.</u>	<u>Nutrients</u>	<u>Snow skiing activities</u>
		<u>Unknown nonpoint source</u>
	<u>Sediment/Siltation</u>	<u>Snow skiing activities</u>
		<u>Unknown nonpoint source</u>
<u>Mountain Home Cr.</u>	<u>Pathogens</u>	<u>Unknown nonpoint source</u>
<u>East Mountain Home Cr.</u>	<u>Pathogens</u>	<u>Unknown nonpoint source</u>
<u>Lytle Cr.</u>	<u>Pathogens</u>	<u>Snow skiing activities</u>
<u>Mill Cr. (Prado Area)</u>	<u>Nutrients</u>	<u>Agriculture, dairies</u>
	<u>Suspended Solids</u>	<u>Dairies</u>

(1) Big Bear Lake (listed for copper, mercury, metals, noxious aquatic plants, nutrients and sedimentation/siltation); (2) Summit Creek (listed for nutrients); (3) Knickerbocker Creek (listed for metals and pathogens); (4) Grout Creek (listed for metals and nutrients); (5) Rathbone Creek (listed for nutrients, sedimentation/siltation); (6) Mountain Home Creek (listed for pathogens); (7) Mill Creek, Reaches 1 and 2, (listed for pathogens); (8) Santa Ana River, Reach 4 (listed for pathogens); (9) Lytle Creek (listed for pathogens); (10) Chino Creek, Reaches 1 and 2 (listed for high coliform count); (11) Cucamonga Creek, Valley reach (listed for high coliform count); (12) Mill Creek (Prado Area) (listed for nutrients); and, (13) Prado Park Lake (listed for nutrients and pathogens). For some of these impaired waterbodies, the cause of impairment is listed as urban runoff.

18. Federal regulations require that a total maximum daily load (TMDL) be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged while water quality standards in the receiving water are attained, i.e. water quality objectives are met and the beneficial uses are protected. It is the sum of the individual wasteload allocations (WLA) for point source inputs, load allocations (LA) for non-point source inputs and natural background, with a margin of safety. The TMDLs are the basis for limitations established in waste discharge requirements. TMDLs are being developed for sediment, pathogens, and nutrients and other pollutants for impaired water bodies in San Bernardino County. Dischargers to these water bodies are currently cooperating in the development of these TMDLs.
19. The MS4s generally contain non-storm water flows such as irrigation runoff, residential car washes, runoff from miscellaneous washing and cleaning operations, and other **nuisance** flows. Discharges of non-storm water containing pollutants into the MS4 systems and to waters of the U.S. are prohibited unless they are regulated under separate NPDES permit; or are exempt as indicated in Discharge Prohibition, Section III, Item 3 of this Order.
20. Order No. 90-136 (first term permit) required the permittees to develop and implement a drainage area management plan (DAMP) and a storm water and receiving water monitoring plan, to eliminate illegal and illicit discharges to the MS4s and to enact the necessary legal authority to effectively prohibit such discharges. The overall goal of these requirements was to reduce pollutant loading to surface waters from urban runoff to the maximum extent practicable (MEP).⁷ Order No. 96-32 (second term permit) required

Comment [m3]: Recommended revision to MEP definition

⁷ **MEP** - MEP is an acronym for "Maximum Extent Practicable" and refers to the standard for implementation of storm water management programs. Section 402(p)(3)(B)(iii) of the Clean Water Act requires that municipal storm water permits "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." In practice, compliance with the MEP standard is evaluated by how well the permittee implements the "minimum measures" identified by EPA, including: (1) Public education and outreach on storm water impacts; (2) Public involvement/participation; (3) Illicit discharge detection and elimination; (4) Construction site storm water runoff control; (5) Post-construction storm water management in new development and redevelopment; and (6) Pollution prevention/good housekeeping for municipal operations. Collectively, these minimum measures are often referred to

continued implementation of the DAMP and the monitoring plan, and required the permittees to focus on those areas which threaten the beneficial uses.

21. [REVISED FINDING] This Order (Order No. XX-XXXX-XXXX, fourth term permit) outlines steps for an effective storm water management program and specifies requirements to meet applicable water quality standards. This Order requires the permittees to investigate sources of pollutants in storm water runoff where activities that the permittees conduct, approve, regulate or authorize through their licensing and permitting processes, have a reasonable potential to exceed water quality standards.
~~This Order (Order No. R8-2002-0012, third term permit) outlines additional steps for an effective storm water management program and specifies requirements to protect the beneficial uses of all receiving waters. This Order requires the permittees to examine sources of pollutants in storm water runoff from activities that the permittees conduct, approve, regulate and/or authorize by issuing a license or permit.~~
22. The Report of Waste Discharge (ROWD) (2006) submitted for the ~~third~~fourth term permit included the following major elements:
 - a. Summary of accomplishments and water quality monitoring results during the ~~second-third~~ term permit;
 - b. Proposed revisions to the Municipal Storm Water Management Program (MSWMP) for the ~~third-fourth~~ term which includes performance commitments for each program element; and, (The MSWMP, included in the ROWD for the third term permit, replaces the DAMP from the first term permit);
 - ~~c. Performance commitments for Proposed Program Elements;~~
 - cd. Proposed activities to be conducted during the fourth permit term. Guidelines for New Development and Redevelopment; and
 - ~~e. A revised Water Quality Monitoring Plan.~~
23. The permittees own and/or operate facilities where industrial or related activities take place that may have an impact on storm water quality. Some of the permittees also enter into contracts with outside parties to carry out municipal related activities that may also have an impact on storm water quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, storm drain system maintenance activities and the application of herbicides, algaecides

as "Best Management Practices" or BMPs. The MEP standard does not require permittees to reduce pollutant concentrations below natural background levels, nor does it necessarily require further reductions where pollutant concentrations in the receiving water already meet water quality objectives. In implementing the MEP standard, it is appropriate for permittees to prioritize their resource allocation to address the storm water pollution problems that pose the greatest and most immediate threat to human health or the environment.

Maximum-Extent Practicable (MEP) means the standard for implementation of storm water management to reduce pollutants in storm water. CWA section 402(p)(3)(B)(iii) requires that municipal permits "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. Specifically, municipalities must choose effective BMPs, and reject applicable BMPs only where other effective BMPs will serve the same purpose.

and pesticides. The permittees have prepared an environmental performance report for appropriate public facilities under their jurisdiction, and identified best management practices for those activities found to require pollution prevention measures. Non-storm water discharges from these facilities and/or activities could also affect water quality. This Order prohibits non-storm water discharges from public facilities unless the discharges are exempt under Section III, Discharge Limitations, 4 & 6 of this Order or are permitted by the Regional Board under an individual NPDES permit or general De Minimus permit. The second term permit required the permittees to develop and implement a model Municipal Activities Pollution Prevention Strategy (MAPPS), including sewage spill response, maintenance practices at parks and recreation facilities, street sweeping and public agency employee training.

24. Successful implementation of the provisions and limitations in this Order will require the cooperation of other entities and all the public agency organizations within San Bernardino County (e.g., Fire Department, Building and Safety, Code Enforcement, Planning, etc.) having programs/activities that have an impact on storm water quality. All of these ~~Some of these~~ organizations to the extent that they are part of a city or county jurisdiction covered by the MS4 permit are not regulated issued under this Order. (A list of these organizations is included in Attachment 3.) As such, these organizations are expected to actively participate in implementing the San Bernardino County NPDES Storm Water Program as required within their jurisdictions. To enhance cooperation within jurisdictions ~~The~~ permittees have developed inter-departmental training programs and have made commitments to conduct a certain number of these training programs during the term of this permit.

- 24a ~~If~~ any entity such as those listed in Attachment 3 is determined to cause or contribute to violations of this Order, the Regional Board has the discretion and authority to require the non-cooperating entity to participate in this areawide permit or obtain individual storm water discharge permits, pursuant to 40 CFR 122.26(a). The permittees have developed an Implementation Agreement among the SBCFCD, the County and the cities. The Implementation Agreement establishes the responsibilities of each party and a funding mechanism for the shared costs, and recognizes the Management Committee.

Comment [m4]: Recommend splitting paragraph 24 into two parts

Comment [m5]: Addressed by paragraph 44

25. The major focus of storm water pollution prevention is the development and implementation of appropriate the MSWMP which includes ~~best~~ management practices (BMPs). The ultimate goal of the urban storm water management program is to support attainment of water quality standards applicable to waters receiving discharges from the MS4, consistent with the water quality objectives for the receiving waters in order to protect beneficial uses through the implementation of the MSWMP.
26. The MSWMP is a dynamic document and the permittees have implemented, or are in the process of implementing, the various elements of the MSWMP. During the second permit term, the DAMP for the San Bernardino County areawide permit was replaced by the MSWMP contained in the ROWD submitted in 1995. This Order requires the permittees to continue to implement the BMPs listed in the ROWD (2000) and the MSMWP and Water Quality Management Plan (WQMP); continue to update or modify the MSWMP, when

appropriate, consistent with the MEP and other applicable standards; and to effectively prohibit illegal and illicit discharges to the storm drain system.

27. Urban runoff contains pollutants from privately owned and operated facilities such as residences, businesses, private and/or public institutions, and commercial establishments. Therefore, a successful storm water management plan should include the participation and cooperation of the public, businesses, the permittees and the regulators. ~~The ROWD (2000) has a strong emphasis on public education.~~
28. The San Bernardino County ROWD (2006~~0~~) defined: (1) ~~defined the~~ management structure to facilitate permittees' compliance efforts; (2) ~~included a revised~~ formal Implementation Agreement to underpin cooperation; ~~and~~ (3) provided as an appendix an updated MSWMP which detailed ~~municipal~~ efforts to develop, implement, and evaluate various BMPs or control programs in the areas of public agency activities, public information, new development and construction, public works construction, industrial discharger identification, and illicit discharger/connection identification and elimination; ~~and (4). The ROWD (2000) also~~ defined a surface water quality monitoring program.
29. In order to characterize storm water discharges, to identify problem areas, to determine the impact of urban runoff on receiving waters, and to determine the effectiveness of the various BMPs, an effective monitoring program is critical. The principal permittee administers the monitoring program for the permittees. This program includes storm drain outfall monitoring, receiving water monitoring, and dry weather monitoring. The monitoring data from the last decade identified elevated pollutant levels at monitoring stations 2, 3, and 5. Drainage at Station 2 is influenced by mixed commercial and industrial land uses. Station 3 is characterized by mixed land uses including agricultural. Station 5 is influenced by commercial and light industrial land uses. These areas could be targeted for special pollutant source identification and control programs. ~~The monitoring data indicated some spatial differences in water quality between San Bernardino County's major watersheds.~~
30. The Strategic Plan and Initiatives (June 22, 1995) and the 2001 Draft Strategic Order No. R8-2002-0012 (NPDES No. CAS618036) - cont'd Page 10 of 67 Areawide Urban Storm Water Runoff SBCFCD, the County of San Bernardino and Incorporated Cities Plan for the State Water Resources Control Board and the Regional Water Quality Control Boards recognize the importance of an integrated watershed management approach. The Regional Board also recognizes that a watershed management program should integrate all related programs, including the storm water programs and TMDL processes. Further, the State Board is required by SB 72 (Water Code Section 13383.5) to develop a statewide municipal storm water monitoring program. Consistent with this approach, some of the municipal storm water monitoring programs have already been integrated into regional monitoring programs. This Order requires the permittees to develop an integrated watershed monitoring program by July 1, 2003.

31. Illegal discharges⁸ to the storm drains could contribute to storm water and other surface water contamination. A reconnaissance survey of the municipal storm drain systems (open channels and underground storm drains) was completed by the permittees. The permittees also developed a program to prohibit illicit connections to their storm drains and flood control facilities. Continued surveillance and enforcement of these programs are required to eliminate illicit connections and illegal discharges. The permittees have a number of mechanisms in place to eliminate illegal discharges to the MS4s, including industrial facility inspections, drainage facility inspections, water quality monitoring programs, and public education. The permittees also developed a summary format for illegal discharge reporting. During the second term permit, the permittees completed a reconnaissance survey of the MS4s to detect and eliminate any illicit connections (undocumented or unpermitted connections to the MS4s). The permittees have trained their staff on illegal discharge surveillance/cleanup procedures. The permittees will continue to monitor for any new illicit connections and will concentrate on preventing/cleanup of illegal discharges.
32. The permittees have the authority to control pollutants in storm water discharges, to prohibit illegal discharges/illicit connections, to control spills, and to require compliance and carry out inspections of the storm drain systems within their respective jurisdictions. The permittees have various forms of legal authority in place, such as charters, State Code provisions for General Law cities, the San Bernardino County Flood Control Ordinance, San Bernardino County Water Pollution Ordinance, various county ordinances which address industrial wastes and waste discharges within the unincorporated areas, city ordinances, and applicable portions of municipal codes and the State Water Code, to regulate storm water/urban runoff discharges.
33. In order to promote countywide consistency and to provide a legal underpinning to the entire San Bernardino County Storm Water Program, a model Storm Drain Ordinance was completed in the first permit term and was adopted by all the permittees. The permittees are required to evaluate the effectiveness of their existing enforcement authority to determine the need for enhancement of their legal authority to administer civil and/or criminal penalties for violations of Storm Drain Ordinance.
34. Pollution prevention techniques, appropriate planning processes, and early identification of potential storm water impacts and mitigation measures can significantly reduce storm water pollution problems. During the second permit term, the permittees have completed the review and made the necessary revisions to consider storm water quality impacts and appropriate mitigation measures in the planning procedures and in the California Environmental Quality Act (CEQA) review process for specific projects, Master Plans, etc. The County of San Bernardino already requires a Water Quality Management Plan, which addresses permanent post-construction BMPs, in addition to the SWPPP required by the statewide general permit for construction activity. The permittees are encouraged to

⁸ Illegal discharge means any discharge (or seepage) to the municipal separate storm sewer that is not composed entirely of storm water except for the authorized discharges listed in Section III of this permit. Illegal discharges include the improper disposal of wastes into the storm sewer system.

propose and participate in watershed-wide and/or regional water quality management programs.

~~35. Successful implementation of the provisions and limitations in this Order will require the cooperation of all the public agency organizations within San Bernardino County having programs/activities that have an impact on storm water quality (e.g. Fire Department, Building and Safety, Code enforcement, etc.). As such, these organizations are expected to actively participate in implementing this areawide storm water program.~~

Comment [m6]: Addressed by paragraph 24; recommend deletion

~~36. In accordance with the Clean Water Act and its implementing regulations, this Order requires the permittees to develop and implement programs and policies necessary to minimize the discharge of pollutants in urban runoff to waters of the U. S. to the maximum extent practicable.~~

Comment [m7]: Redundant paragraph; recommend deletion

37. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the U.S. EPA were aware of the difficulties in regulating urban storm water runoff solely through traditional end-of-pipe treatment. However, it is the Regional Board's intent that this Order requires the implementation of best management practices to reduce to the maximum extent practicable the discharge of pollutants in storm water from the MS4s in order to support attainment of water quality standards. This Order, therefore, includes Receiving Water Limitations based on water quality objectives, prohibits the creation of nuisance and requires the reduction of water quality impairment in receiving waters. In accordance with Section 402 (p) of the Clean Water Act, this Order requires the permittees to implement control measures in accordance with the ROWDMSWMP and WQMP, that will reduce pollutants in storm water discharges to the maximum extent practicable. The Receiving Water Limitations similarly require the implementation of control measures to the maximum extent practicable to protect beneficial uses and attain water quality standard objectives of the receiving waters.

38. The Regional Board finds that the unique aspects of the regulation of storm water discharges through municipal storm sewer systems, including intermittent discharges, difficulties in monitoring and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of best management practices. Therefore, the permit includes a procedure for determining whether storm water discharges are causing or contributing to exceedances of receiving water limitations and for evaluating whether the MSWMP attached as an appendix to contained in the ROWD must be revised in order to comply with this aspect of the Order. The Order establishes an iterative process to determine compliance with the receiving water limitations.

39. The permittees are required to conduct inspections of construction sites, industrial facilities and commercial establishments. To avoid duplicative efforts, the permittees need not inspect facilities that have been inspected by Regional Board staff if the inspection was conducted during the specified time period. Regional Board staff inspection data will be posted regularly on its Internet site. It is anticipated that many of the inspections required under this Order can and will be carried out by inspectors currently conducting inspections for the permittees (i.e., grading, building, code enforcement, etc.), during their normal duties.

40. ~~The Regional Board has adopted a A-revised~~ Water Quality Control Plan (Basin Plan) (January 24, 1995, and subsequent amendments) ~~was adopted by the Regional Board and became effective on January 24, 1995.~~ The Basin Plan contains water quality objectives and beneficial uses for water bodies in the Santa Ana Region. The Basin Plan also incorporates by reference all State Board water quality control plans and policies including the ~~1990~~ Water Quality Control Plan for Ocean Waters of California (Ocean Plan) and the 1974 Water Quality Control Policy for Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Plan).
41. The requirements contained in this Order are necessary to implement the plans and policies described in Finding 48, below. These plans and policies contain numeric and narrative water quality standards for the water bodies in this Region. This Order does not contain numeric effluent limitations for any constituents because the impact of the storm water discharges on the water quality of the receiving waters has not yet been fully determined. Continuation of water quality ~~/biota~~ monitoring and analysis of the data are essential to make that determination. The current Basin Plan, or any further changes to the Basin Plan, may be grounds for the permittees to revise some or all of its ~~ROWDM~~ MSWMP or WQMP.
42. The permittees will be required to comply with any applicable future water quality standards or discharge requirements that may be imposed by the EPA or State of California prior to the expiration of this Order. This Order may be reopened to include TMDLs and/or other requirements developed and adopted by the Regional Board after appropriate public notice and comment.
43. The permittees may petition the Regional Board to issue a separate NPDES permit to any discharger of non-storm water into storm drain systems that they Order No. R8-2002-0012 (NPDES No. CAS618036) - cont'd Page 13 of 67 Areawide Urban Storm Water Runoff SBCFCD, the County of San Bernardino and Incorporated Cities own or operate.
44. The permittees have developed a Storm Water Implementation Agreement between the County, its cities and the San Bernardino County Flood Control District. The Implementation Agreement established the responsibilities of each party and a funding mechanism for the shared costs and recognizes the establishment of a Management Committee for overall guidance and as a decision making body.
45. It is important to control litter and ~~eliminate-reduce~~ trash and other materials in stormwater runoff. In addition to the municipal ordinances prohibiting litter, the permittees also organize solid waste collection programs, household hazardous waste collections, and recycling programs to reduce litter and illegal discharges.
46. [NEW FINDING] On May 15, 2006 the State Water Resources Control Board approved an amendment to the Water Quality Control Plan for the Santa Ana Region (Basin Plan) to incorporate a TMDL for bacterial indicators for Middle Santa Ana River watershed water bodies (Resolution 2006-0030) (Santa Ana River, Reach 3; Chino Creek, Reaches 1 and 2; Mill Creek (Prado Area); Cucamonga Creek, Reach 1; and Prado Park Lake). This Order

requires the permittees to develop and implement an Urban Source Evaluation Plan (USEP). The findings from the implementation of the USEP may be used by the Regional Board to require revisions to the MSWMP submitted as an attachment to the ROWD.

~~Reach 4 of the Santa Ana River which extends from Mission Boulevard in Riverside to the San Jacinto Fault in San Bernardino is an impaired water body listed on the 303(d) list for pathogens from non-point sources. These elevated levels may in part be attributed to discharges from the MS4 systems. This Order requires the permittees to investigate and characterize MS4 discharges to tributaries to the Santa Ana River, Reach 4, for potential bacterial contribution.~~

47. Public education is an important part of storm water pollution prevention. The permittees have employed a variety of means to educate the public, business and commercial establishments, industrial facilities and construction sites. The permittees are required to continue their efforts to implement an appropriate public education programs.

- ~~48. The permittees established a subcommittee consisting of a number of permittees, the Building Industry Association, the development industry, the California Restaurant Association, and the Western States Petroleum Association and developed the "Guidelines for New Development and Redevelopment." The guidance document includes a list of routine structural and non-structural Best Management Practices for new developments. The permittees are implementing the BMPs from this guidance document and are requiring new developments and significant redevelopments to develop and implement appropriate Water Quality Management Plans (WQMP). This Order requires additional structural and non-structural BMPs for new developments and significant redevelopments only if an equivalent regional and/or watershed wide management program is not being implemented.~~

Comment [m8]: Recommend deletion; paragraph is moot with adoption of WQMP in 2004

49. [REVISED FINDING] The Regional Board and the permittees recognize the importance of watershed management initiatives and regional planning and coordination in the development and implementation of programs and policies related to water quality protection. A number of such efforts are underway where the permittees are active participants, including the Stormwater Quality Standards Task Force and the Santa Ana River Reach 3 Bacteria TMDL Workgroup. This Order encourages continued participation in such programs. Furthermore, this Order recognizes that some of these planning efforts may result in significant changes to the Santa Ana River Watershed Basin Plan. If this occurs, the Regional Board may reopen the permit to modify certain terms and conditions using the normal public hearing process. In addition, the Regional Board also recognizes that, in certain cases, it may be necessary and appropriate to fund regional water quality monitoring programs by reallocating funds away from lower priority local monitoring programs. The Executive Officer is authorized to approve, after proper public notification and consideration of all comments received, changes to the watershed management initiatives, regional planning and coordination activities and regional monitoring programs. The Regional Board and the permittees recognize the importance of watershed management initiatives and regional planning and coordination in the development and implementation of programs and policies related to water quality protection. A number of such efforts are underway where the permittees are active participants. This Order

~~encourages continued participation in such programs and policies. The Regional Board also recognizes that in certain cases, diversion of funds targeted for certain monitoring programs to regional monitoring programs may be necessary. The Executive Officer is authorized to approve, after proper public notification and consideration of all comments received, the watershed management initiatives, regional planning and coordination programs and regional monitoring programs.~~

50. The storm water regulations require public participation in the storm water management program development and implementation. As such the permittees are required to solicit and consider all comments received from the public and submit copies of the comments to the Executive Officer of the Regional Board. In response to public comments, the permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.
51. In accordance with California Water Code Section 13389, the issuance of waste discharge requirements for this discharge is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.
52. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR 131.12 and State Board Resolution 68-16, for the permitted discharges. This Order requires implementation of programs (i.e., BMPs) to reduce the level of pollutants in the storm water discharges. The combination of programs and policies required to be implemented under this Order for new and existing developments are designed to improve storm water quality. The Regional Board finds that the storm water discharges are consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary.
53. The Regional Board has notified the permittees and interested parties of its intent to issue waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.
54. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the permittees, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act, as amended, and the regulations and guidelines adopted thereunder, shall comply with the following:

I. RESPONSIBILITIES OF THE PRINCIPAL PERMITTEE:

The principal permittee shall be responsible for managing the overall storm water program and shall:

1. Conduct chemical, biological and bacteriological water quality monitoring as required by the Executive Officer of the Regional Board.

2. Implement management programs, monitoring programs, and related plans as required by this Order.
3. Prepare and submit to the Executive Officer of the Regional Board, unified reports, plans, and programs necessary to comply with this Order.
4. Coordinate and conduct Management Committee meetings as specified in the ROWDMSWMP. ~~The principal permittee will take the lead role in initiating and developing area-wide programs and activities necessary to comply with the NPDES Permit.~~
5. Coordinate permit activities and participate in any subcommittees formed as necessary, to coordinate compliance activities with this Order.
6. Provide technical and administrative support and inform the co-permittees of the progress of other pertinent municipal programs, pilot projects, research studies, and other information to facilitate implementation of co-permittees' storm water program.
7. Coordinate the implementation of area-wide storm water quality management activities such as monitoring program, public education, pollution prevention, etc.
8. Gather and disseminate information on the progress of statewide municipal storm water programs and evaluate the information for potential use in the execution of this Order.
9. Monitor the implementation of the plans and programs required by this Order and determine their effectiveness in attaining water quality standards. ~~This determination shall include a comparative analysis of monitoring data to the USEPA Multi-Sector Permit Parameter Benchmark Values and applicable water quality objectives for inland surface streams. A pollutant source investigation and control plan shall be developed and implemented where elevated pollutant levels are identified. This plan shall be included in the annual report submitted to the Executive Officer.~~
10. Coordinate with the Regional Board activities pertaining to implementation of this Order, including the submittal of all reports, plans, and programs as required under this Order.
11. Solicit and coordinate public input for any major proposed storm water management programs and implementation plans.
12. Develop and implement mechanisms, performance standards, etc., to promote consistent implementation of BMPs to MEP among the permittees.
13. Cooperate in watershed management programs and regional and/or statewide monitoring programs. In addition, the activities of the principal permittee shall, at a minimum, include the following for MS4 systems owned and operated by the SBCFCD:

Comment [m9]: Recommend that this section be limited to describing Principal Permittee responsibilities rather than describing how to do something. Such information is already addressed in the permit requirements

14. Pursue enforcement actions as necessary within its jurisdiction to ensure compliance with storm water management programs, ordinances and implementation plans, including removal via enforcement authority of undocumented connections and prohibition of illegal discharges.
15. Conduct inspections and maintain the storm drain systems within its jurisdiction.
16. Review and revise, if necessary, policies and ordinances necessary to establish and maintain adequate legal authority, as required by the Federal Storm Water Regulations.
17. Respond to or arrange for responding to emergency situations such as accidental spills, leaks, illicit connections/illegal discharges, etc., to prevent or to reduce the discharges of pollutants to storm drain systems and waters of the U.S.

~~18. Take appropriate enforcement actions for illegal discharges to the MS4 systems within its jurisdiction.~~

Comment [m10]: Paragraph is redundant to information in Paragraph 14; recommend deletion

~~19. In conjunction with the other permittees, implement the BMPs listed in the ROWD, and take such other actions as may be necessary to meet the MEP standard.~~

Comment [m11]: Redundant to previous paragraphs; recommend deletion

II. RESPONSIBILITIES OF THE CO-PERMITTEES

The co-permittees shall be responsible for managing the storm water program within their jurisdiction and shall:

1. Implement all program elements including but not limited to the management programs, monitoring programs, implementation plans and all appropriate BMPs outlined in the ROWDMSWMP within each respective jurisdiction, and take such other actions as may be necessary to ~~meet~~ the MEP ~~standard~~.
2. ~~Enact Review~~ and revise policies and ordinances necessary to establish and maintain adequate legal authority as stated in Section VI.1 of this Order and as required by the Federal Storm Water Regulations, 40CFR, Part 122.26(d)(2)(i)(A-F). ~~By March 1, 2003, the permittees shall evaluate their ordinances to determine if they are authorized to impose administrative fines for storm water violations. Government Code Section 53069.4 authorizes cities to make violations of any ordinance subject to an administrative fine or penalty instead of criminal prosecution. If necessary, the permittees shall adopt ordinances to set a penalty structure and to authorize them to impose and collect fines administratively by March 1, 2004.~~
3. Conduct storm drain system inspections and maintenance in accordance with ~~the~~ uniform criteria ~~developed by a subcommittee of the permittees.~~
4. ~~Take appropriate enforcement actions for violations of the storm water regulations and ordinances for illegal discharges into the MS4 systems within the co-permittees' jurisdiction.~~

Comment [m12]: Paragraph redundant to text in Paragraph #11 below; recommend deletion

5. Prepare and submit to the principal permittee in a timely manner all required information necessary to develop a unified report for submittal to the Executive Officer of the Regional Board.
6. Designate at least one representative to the Management Committee and attend at least 9 out of the 11 Management Committee meetings per year. The principal permittee shall be notified immediately, in writing of any changes to the designated representative to the Management Committee.
7. Conduct and/or coordinate with the principal permittee any surveys and characterizations needed to identify pollutant sources from specific drainage areas.
8. Review and comment on all plans, strategies, management programs, monitoring programs, as developed by the principal permittee or any subcommittee to comply with this Order.
9. Participate in committees or subcommittees formed to address storm water related issues to comply with this Order.
10. Respond to or arrange for responding to emergency situations such as accidental spills, leaks, illegal discharges/illicit connections, etc. to prevent or reduce the discharge of pollutants to storm drain systems and waters of the U.S.
11. Pursue enforcement actions as necessary within its jurisdiction for violations of storm water ordinances, prohibitions on illicit connections and illegal discharges, and other elements of its storm water management program.

III. DISCHARGE LIMITATIONS/PROHIBITIONS

1. In accordance with the requirements of 40 CFR 122.26(d)(2)(I)B) and 40 CFR 122.26(d)(2)(I)(F), the permittees shall prohibit illicit connections and illegal discharges (non-storm water) from entering municipal separate storm sewer systems.
2. The discharge of storm water from permittees' municipal separate storm sewer systems to waters of the United States containing pollutants that have not been reduced to the maximum extent practicable is prohibited.
3. The permittees shall effectively prohibit the discharge of non-storm water into the MS4s unless such discharges are authorized by either a separate NPDES permit or as otherwise specified in this provision. The discharges identified below need not be prohibited by the permittees. If, however, any of these discharges are identified by the permittees or the Executive Officer as a significant source of pollutants, coverage under the Regional Board's De ~~Minimis~~ Minimus permit may be required.
 - a. Discharges covered by NPDES permits or written clearances issued by the Regional or State Board,
 - b. Potable water line flushing and other potable water sources,
 - c. Air conditioning condensate,
 - d. Landscape irrigation, lawn garden watering and other irrigation waters, Order No. R8-2002-0012 (NPDES No. CAS618036) - cont'd Page 18 of 67 Areawide Urban Storm Water Runoff SBCFCD, the County of San Bernardino and Incorporated Cities
 - e. Passive foundation drains,
 - f. Passive footing drains,
 - g. Water from crawl space pumps,
 - h. Dechlorinated swimming pool discharges,
 - i. Non-commercial vehicle washing,
 - j. Diverted stream flows,
 - k. Rising ground waters, which contain anthropogenic pollutants and natural springs,
 - l. Ground water infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped groundwater,
 - ~~m. — Flows from riparian habitats and wetlands,~~

- n. Emergency fire fighting flows (i.e., flows necessary for the protection of life and property) do not require BMPs and need not be prohibited. However, appropriate BMPs shall be considered where practicable when not interfering with health and safety issues (see also Section XIV Provision 3);
- o. Waters not otherwise containing wastes as defined in California Water Code Section 13050 (d), and
- p. Other types of discharges identified and recommended by the permittees and approved by the Regional Board.

The Regional Board may issue Waste Discharge Requirements for discharges exempted from NPDES requirements, such as agricultural irrigation waters, if identified to be a significant source of pollutants. The Regional Board may add categories of non-storm water discharges that are not significant sources of pollutants or remove categories of non-storm water discharges listed above based upon a finding that the discharges are a significant source of pollutants.

- 4. For purposes of this Order, a discharge may include storm water or other types of discharges identified in item 3, above.
- 5. Non-storm water discharges from permittees' activities into waters of the U.S. are prohibited unless the non-storm water discharges are permitted by an NPDES permit or are included in Item 3, above.
- 6. The permittees shall reduce the discharge of pollutants, including trash and debris, from the storm water conveyance systems to the maximum extent practicable.
- 7. Discharges from the MS4s shall be in compliance with the discharge prohibitions contained in Chapter 5 of the Basin Plan.
- 8. Discharges from the MS4s of storm water, or non-storm water, for which a permittee is responsible, shall not cause or contribute to a condition of nuisance as that term is defined in Section 13050 of the Water Code.

IV. RECEIVING WATER LIMITATIONS

- 1. Discharges from the MS4s shall not cause or contribute to exceedances of receiving water quality standards (designated beneficial uses and water quality objectives) contained in the Basin Plan, and amendments thereto, for surface or groundwater.
- 2. The MSWMP and its components shall be designed to achieve compliance with receiving water limitations to the maximum extent practicable. It is expected that compliance with receiving water limitations will be achieved through an iterative process and the application of increasingly more effective BMPs. The permittees shall comply with Sections III.2 and IV of this Order through timely implementation of control measures and other actions to reduce pollutants in urban storm water runoff in accordance with the

MSWMP and its components and other requirements of this Order, including any modifications thereto.

3. If exceedances of water quality objectives or water quality standards (collectively, WQS) persist, notwithstanding implementation of the MSWMP and other requirements of this Order, the permittees shall assure compliance with Sections III.2 and IV of this Order by complying with the following procedure:
 - a. Upon a determination by either the permittees or the Executive Officer that discharges from the MS4 system are causing or contributing to an exceedance of applicable water quality standards, the permittees shall promptly notify the Executive Officer and, thereafter, submit a report to the Executive Officer that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants to the maximum extent practicable that are causing or contributing to the exceedance of water quality standards. Determination of the effect of the discharges from the MS4 system on water quality standards shall include a comparative analysis of monitoring data to the USEPA Multi-Sector Permit Parameter Benchmark Values and applicable water quality objectives for inland surface streams as specified in Chapter 4 of the Santa Ana River Watershed Basin Plan. A pollutant source investigation and control plan shall be developed and implemented, to the maximum extent practicable, where pollutant concentrations exceed the applicable water quality objectives. The report shall address the causes of the exceedance and the technical and economic feasibility of control actions available to the permittees to reduce or eliminate source of pollution. The report may be incorporated in the annual report unless the Executive Officer directs a different submittal date. The report shall also include an implementation schedule where appropriate.
 - b. The Executive Officer may require modifications to the report. The permittees must submit any modifications to the report required by the Executive Officer within 30 days of notification;
 - c. Within 60 days following the Executive Officer's approval of the report described above, the permittees shall revise the storm water management programs and monitoring program to incorporate the additional BMPs that will be implemented, the implementation schedule, and any additional monitoring required.
 - d. Permittees must implement the revised storm water management programs and monitoring program in accordance with the schedule approved by the Executive Officer.
 - a. ~~Upon a determination by either the permittees or the Executive Officer that the discharges from the MS4 systems are causing or contributing to an exceedance of an applicable water quality standard, the permittees shall promptly notify and thereafter submit a report to the Executive Officer that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. Determination of the effect of discharges from the MS4~~

~~systems on water quality standards shall include a comparative analysis of monitoring data to the USEPA Multi Sector Permit Parameter Benchmark Values and applicable water quality objectives for inland surface streams as specified in Chapter 4 of the Basin Plan. A pollutant source investigation and control plan shall be developed and implemented where elevated pollutant levels are identified. The report shall address the causes of the impairment or exceedance, and the technical and economic feasibility of control actions available to the permittees to reduce or eliminate the impairment or exceedance. The report may be incorporated in the annual report unless the Executive Officer directs an earlier submittal. The report shall include an implementation schedule. The Executive Officer may require modifications to the report;~~

- ~~b. Submit any modifications to the report required by the Executive Officer within 30 days of notification;~~
- ~~c. Within 30 days following approval of the report described above by the Executive Officer, the permittees shall revise the storm water management programs and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;~~
- ~~d. Implement the revised storm water management programs and monitoring program in accordance with the approved schedule.~~

So long as the permittees have complied with the procedures set forth above and are implementing the revised storm water management programs, the permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless the Executive Officer determines it is necessary to develop additional BMPs.

V. IMPLEMENTATION AGREEMENT

~~No later than July 1 of each year, the pAs needed, permittees shall evaluate the storm water management structure and the Implementation Agreement and determine the need for any revision. The annual report shall include the findings of this any such reviews and provide a schedule if revisions are planned. for any needed revisions.~~

Comment [m1]: Major revision will be implemented for next permit; however, may need to review/revise within a year or two after permittees see how it is working. Recommended text change is to minimize requirement to review Agreement to only when necessary.

VI. LEGAL AUTHORITY/ENFORCEMENT

1. The permittees shall maintain and enforce adequate legal authority to control contribution of pollutants to the MS4.
2. The permittees shall take appropriate enforcement actions against any violators of their codes and/or ordinances in accordance with the formalized enforcement procedures developed by the Management Committee.

3. Permittees' ordinances or other local regulatory mechanisms shall include sanctions for violations. Sanctions shall include but are not limited to: monetary penalties, non-monetary penalties, bonding requirements, and/or permit denials/revocations/stays for non-compliance. ~~If the permittees' current ordinances do not have a provision for civil or criminal penalties for violations of their storm drain ordinances, the permittees shall enact such ordinances by March 1, 2004.~~
4. The permittees shall continue to provide notification to Regional Board staff, ~~for follow-up action by Regional Board staff, regarding~~ storm water related information gathered during site inspections of industrial and construction sites regulated by the Statewide General Storm Water Permits or sites which should be regulated under the State's General Permits. The notification should include any observed violations of the General Permits, prior history of violations, any enforcement actions ~~taken~~recommended by the permittee, and any other relevant information.
5. ~~By November 15, 2003, the~~ permittees shall annually review their storm drain ordinances and evaluate provide a report on their effectiveness through implementation and enforcement for of their ordinances and their enforcement, in prohibiting the following types of discharges to the MS4s (the permittees may propose appropriate control measures in lieu of prohibiting these discharges, where the permittees are responsible for ensuring that dischargers adequately maintain these control measures:
 - a. Sewage, where a permittee operates the sewage collection system;
 - b. Wash water resulting from the hosing or cleaning of gas stations, and other type of automobile service stations;
 - c. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, concrete mixing equipment, and portable toilet servicing;
 - d. Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet cleaning, and other such mobile commercial and industrial operations;
 - e. Water from cleaning of municipal, industrial, commercial, residential areas (including parking lots), streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas containing chemicals or detergents and without prior sweeping;
 - f. Runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials,
 - g. Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; pool filter backwash containing debris and chlorine;
 - h. Pet waste, yard waste, debris, sediment, and other wastes or materials that have potential adverse impacts on the water quality;

- i. Restaurant wastes such as grease, floor mat and trash bin wash water, food waste, and other food service wastes.

6. ~~The principal permittee or subcommittee shall, on or before March 1, 2003, develop a restaurant inspection program which shall, at a minimum, address:~~
 - a. ~~Oil and grease disposal to verify that these wastes are not poured onto a parking lot, street or adjacent catch basin;~~
 - b. ~~Trash bin areas to verify that these areas are clean, the bin lids are closed, the bins are not filled with liquid, and the bins have not been washed out;~~
 - c. ~~Parking lot, alley, sidewalk and street areas to verify that floor mats, filters and garbage containers are not washed in those areas and that no washwater is discharged in those areas;~~
 - d. ~~Parking lot areas to verify that they are cleaned by sweeping, not by hosing down and that the facility operator uses dry methods for spill cleanup; and,~~
 - e. ~~Inspection of existing devices designed to separate grease from wastewater (e.g., grease traps or interceptors) to ensure adequate capacity and proper maintenance.~~
7. ~~By March 1, 2004, each permittee shall submit a statement (signed by its legal counsel) that the permittee has obtained all necessary legal authority to comply with this Order through adoption of ordinances and/or municipal code modifications.~~

~~##. The permittees shall enforce their ordinances and permits at all construction sites, industrial facilities and commercial facilities as necessary to maintain compliance with this Order. Sanctions for non-compliance must include: monetary penalties, bonding requirements and/or permit denial or revocation.~~

Comment [m2]: To simplify permit, recommend combining text from existing permit sections: VIII.4, IX.7, and X.7

VII. ILLEGAL DISCHARGE/ILLICIT CONNECTIONS; LITTER, DEBRIS AND TRASH CONTROL

1. The permittees shall continue to prohibit all illicit connections and illegal discharges to the MS4s through their ordinances, inspections, and monitoring programs. If routine inspections or dry weather monitoring indicate any illicit connections, they shall be investigated and eliminated or permitted within 60 days of discovery and identification. The permittees shall maintain a database that identifies both permitted and status of unpermitted connections resulting from routine inspections and dry weather monitoring. This information shall be updated on an ongoing basis and submitted annually. ~~beginning with the 2002-2003 annual report.~~
2. All reports of spills, leaks, and/or illegal discharge shall be promptly investigated. Those incidents that may pose an immediate and significant threat to human health or the environment (e.g. sewage spills that could adversely impact water contact recreation, or an

oil spill that could adversely impact wildlife, or a hazardous substance spill requiring residents to be evacuated, etc.) shall be reported to the Executive Officer within 24 hours by phone or e-mail. Additionally, a written report must be submitted within 10 business days. At a minimum, all sewage spills above 1,000 gallons and all reportable quantities of hazardous substance spills defined in 40 CFR 117 & 302 shall be reported within 24 hours. All other spill incidents shall be included as an appendix to the annual report. All reports of spills, leaks, and/or illegal dumping shall be promptly investigated. Those incidents that may pose an immediate threat to human health or the environment (e.g., sewage spills that could impact water contact recreation, an oil spill that could impact wild life, a hazardous substance spill where residents are evacuated, etc.) shall be reported to the Executive Officer within 24 hours by phone or e-mail, with a written report within 10 days. At a minimum, all sewage spills above 1,000 gallons and all reportable quantities of hazardous substance spills as per 40 CFR 117 and 302 shall be reported within 24 hours and all other spill incidents shall be included in the annual report. The permittees may propose a reporting program, including reportable incidents and quantities, jointly with other agencies such as the County Health/Fire Department for approval by the Executive Officer.

3. The permittees shall implement appropriate control measures to reduce and/or to eliminate the discharge of trash and debris to waters of the U.S to the maximum extent possible. These control measures shall be reported in the annual report.
4. ~~By July 1, 2003, the permittees shall review their litter/trash control ordinances to determine the need for any revision. The permittees are required to characterize trash, determine its main source(s), and develop and implement appropriate BMPs to control trash in urban runoff. The findings of this review, along with supporting field data shall be included in the 2002-2003 annual report.~~
5. ~~By July 1, 2003, the permittees shall determine the need for any additional debris control measures. The findings shall be included in the 2002-2003 annual report.~~

VIII. MUNICIPAL INSPECTIONS ~~OF CONSTRUCTION SITES~~

1. The permittees shall continue to maintain and update an inventory of all construction sites, industrial or commercial facilities within their jurisdiction that have a reasonable potential to discharge pollutants to the MS4 regardless of whether the sites are subject to the California Statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities or the California Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities or other individual NPDES permit or Waste Discharge Requirements.
2. All of the following commercial operations are deemed to have a reasonable potential to discharge pollutants to the MS4:
 - a. Automobile mechanical repair, maintenance, fueling or cleaning;
 - b. Automobile and other vehicle body repair or painting;

Comment [m3]: It is recommended that Sections VIII, IX and X be combined into a single "Municipal Inspections" section. Following paragraphs 1 through 11 provide recommended revised consolidated language.

- c. Mobile automobile or other vehicle washing;
 - d. Mobile carpet, drape or furniture cleaning;
 - e. Mobile high pressure or steam cleaning;
 - f. Painting and coating;
 - g. Nurseries and greenhouses;
 - h. Landscape and hardscape installation;
 - i. Pool, lake and fountain cleaning;
 - j. Restaurants and food service;
3. The municipal inspection inventory must be maintained in an electronic database. The database system must include relevant information on ownership, Standard Industrial Classification (SIC) codes, General Permit Waste Discharge Identification (WDID) number (if any), size, location, and other pertinent details describing the nature of activities at the site. The database must also include a record of inspection dates, the results of each inspection, and a summary of any enforcement actions taken. The database must be updated at least once each year and an electronic copy provided to the Regional Board with each annual report.
 4. The permittees shall conduct regular inspections of construction sites, industrial and commercial facilities to evaluate compliance with applicable municipal ordinances, local permits, Stormwater Management Plan, and Water Quality Management Plans.
 5. The permittees shall develop a risk-based scoring system to govern the frequency of inspections and the selection of sites to be inspected. The scoring system shall consider factors including, but not limited to: the hazardous nature of materials used on site, the potential for pollutant discharges, on-going efforts to implement effective Best Management Practices, site size and location including proximity to receiving water to establish appropriate priorities for scheduling inspections. The scoring system must be reviewed and updated annually and a copy must be included with the annual report.
 6. Construction sites shall be inspected at least twice each year: Once during the rainy season and once during the dry season. The scoring system shall separate industrial/commercial facilities into three risk categories: high, medium and low. High priority sites must be inspected at least once each year. Medium priority sites must be inspected at least once every three years. Low priority sites must be inspected at least once during the term of the permit (five years).

7. At a minimum, any facility subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any construction site larger than 50 acres, shall be considered a high priority site.
8. Any site found in significant non-compliance with the Statewide General Permit(s) or the MS4 Permit is automatically deemed a high priority site and must be inspected at least once per month until full compliance is restored.
9. Inspections shall ascertain whether each site has obtained proper coverage under one or more of the Statewide General Permits or an individual NPDES permit or Waste Discharge Requirements. Failure to obtain a proper permit is deemed to be evidence of significant non-compliance by the site owner/operator.
10. Inspections shall review erosion control practices, implementation and maintenance of BMPs, material handling and waste disposal procedures, emergency operations including spill-management strategies, and owner/operator knowledge of permit requirements and reporting obligations.
11. Permittees shall maintain a permanent record of all inspection results and relevant details must be included in the electronic database. All inspection reports must be made publicly available.
12. The permittees need not inspect facilities already inspected by Regional Board staff if the inspection was conducted within the specified time period. To support this requirement, Regional Board staff and permittees will share their respective inspection schedules on a regular basis.
- ~~1. The permittees shall develop by January 31, 2003, an inventory of all construction sites within their jurisdiction for which building or grading permits are issued and activities at the site include: soil movement; uncovered storage of materials or wastes, such as dirt, sand, or fertilizer; or exterior mixing of cementaceous products, such as concrete, mortar, or stucco, regardless of whether the construction site is subject to the California Statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities (General Permit), or other individual NPDES permit. This database shall be updated prior to each rainy season thereafter. This inventory shall be maintained in a computer-based database system and shall include relevant information on site ownership, General Permit Waste Discharge Identification (WDID) # (if any), size, location, etc. Inclusion of a Geographical Information System (GIS) is recommended but not required.~~
- ~~2. To establish priorities for inspection requirements under this Order, the permittees shall prioritize construction sites within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of construction sites should be based on such factors as soil erosion potential, project size, proximity and sensitivity of receiving waters and any other relevant factors. At a minimum, high priority construction sites shall include: sites over 50 acres; sites over 5 acres that are tributary to Clean Water Act section 303(d) waters listed~~

~~for sediment or turbidity impairments; and sites that are tributary to and within 500 feet of an area defined by the Ocean Plan as an Area of Biological Significance (ASBS).~~

- ~~3. The permittees shall conduct construction site inspections for compliance with their ordinances (grading, Water Quality Management Plans, etc.), local permits (construction, grading, etc.). Inspections shall include a review of erosion control and BMP implementation plans and an evaluation of the effectiveness and maintenance of the BMPs identified. Inspection frequency will, at a minimum, include the following:~~
 - ~~a. During the wet season (i.e., October 1 through May 31 of each year), all high priority sites are to be inspected, in their entirety, once a month. All medium priority sites are to be inspected at least twice during the wet season. All low priority sites are to be inspected at least once during the wet season. When BMPs or BMP maintenance is deemed inadequate or out of compliance, an inspection frequency of once every week will be maintained until BMPs and BMP maintenance are brought into compliance. During the 2002-2003 wet season, prior to the development of the inventory database, all construction sites must be visited at least twice. If a site is deemed out of compliance, an inspection frequency adequate to bring the site into compliance must be maintained.~~
 - ~~b. During the dry season (i.e., June 1 through September 30 of each year), all construction sites shall be inspected at least once to determine the adequacy of sediment and other pollutant control measures.~~
 - ~~c. Information, including at a minimum, inspection dates, inspectors present and the results of the inspection must be maintained in the database identified in Section VIII.1, above, or must be linked to that database. A copy of this database must be provided to the Regional Board with each annual report.~~
- ~~4. The permittees shall enforce their ordinances and permits at all construction sites as necessary to maintain compliance with this Order. Sanctions for non-compliance must include: monetary penalties, bonding requirements and/or permit denial or revocation.~~
- ~~5. Within 24 hours of discovery, the permittees shall provide oral or email notification to the Santa Ana Regional Water Quality Control Board of non-compliant sites, within their jurisdiction, that are determined to pose a threat to human health or the environment (e.g., sewage spills that could impact water contact recreation, an oil spill that could impact wild life, a hazardous substance spill where residents are evacuated, etc.). Following oral notification, a written report must be submitted to the Santa Ana Regional Water Quality Control Board within 10 days, detailing the nature of the non-compliance, any corrective action taken by the site owner, other relevant information (e.g., past history of non-compliance, environmental damage resulting from the non-compliance, site owner responsiveness) and the type of enforcement that will be carried out by the permittee. Further, incidences of noncompliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the database identified in Items 1 and 3c, above, or must be linked to these databases.~~

Comment [m4]: Recommend moving text to new paragraph at end of VI. Legal Authority/Enforcement

Comment [m5]: Recommend that all notifications to Regional Board be moved to new notification section

6. ~~The inspectors responsible for verifying compliance at construction sites shall be trained in and have an understanding of: federal, state and local water quality laws and regulations as they apply to construction and grading activities; the potential effects of construction and urbanization on water quality; and, implementation and maintenance of erosion control BMPs and sediment control BMPs and the applicable use of both. The permittees shall have adequately trained their inspection staff by December 31, 2002, and on an annual basis, prior to the rainy season, thereafter. Training programs should be coordinated with the Santa Ana Regional Water Quality Control Board and prior notification of training shall be provided to Regional Board staff. New hires or transfers that will be performing construction inspections for the permittees must be trained within one month of starting inspection duties.~~

Comment [m6]: Recommend that all training elements be moved to a new training section

7. ~~The permittees need not inspect facilities already inspected by Regional Board staff if the inspection was conducted within the specified time period.~~

IX. ~~MUNICIPAL INSPECTIONS OF INDUSTRIAL FACILITIES~~

Comment [m7]: Recommend combining text where appropriate with Section VIII above, and new recommended notification and training sections

1. ~~The permittees shall develop by July 1, 2003, an inventory of industrial facilities within their jurisdiction with business permits or other authorization by permittees that have the potential to discharge pollutants to the MS4. Facilities will be listed, regardless of whether the facility is subject to the California Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (General Industrial Permit), or other individual NPDES permit. This database must be updated on an annual basis. This inventory must be maintained in a computer based database system and must include relevant information on ownership, Standard Industrial Classification (SIC) code(s), General Industrial Permit WDID #(if any), size, location, etc. Inclusion of a Geographical Information System (GIS) is recommended but not required.~~

2. ~~To establish priorities for inspection requirements under this Order, the permittees shall prioritize industrial facilities within their jurisdiction as a high, medium, or low threat to water quality. Evaluation of these facilities should be based on such factors as type of industrial activities (SIC codes), materials or wastes used or stored outside, pollutant discharge potential, facility size, proximity and sensitivity of receiving waters and any other relevant factors. At a minimum, a high priority shall be assigned to: facilities subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA); and facilities with a high potential for or history of unauthorized, non-storm water discharges.~~

3. ~~The permittees shall conduct industrial facility inspections for compliance with its ordinances and permits. Inspections shall include a review of material and waste handling and storage practices, pollutant control BMP implementation and maintenance and evidence of past or present unauthorized, non-storm water discharges. All high priority facilities identified in Section IX.2 shall be inspected and a report on these inspections shall be submitted by November 15, 2003 and a report of inspections during subsequent years shall be included in the annual report for that year.~~

4. ~~After July 1, 2003, all high priority sites are to be inspected at least once a year; all medium priority sites are to be inspected at least once every two years; and all low priority sites are to be inspected at least once per permit cycle. In the event that inappropriate material or waste handling or storage practices are observed, or there is evidence of past or present unauthorized, non-storm water discharges, an inspection frequency adequate to bring the site into compliance must be maintained (at a minimum, once a month or within the compliance schedule prescribed by the permittee in a written notice to the discharger). Once compliance is achieved, a minimum inspection frequency of once every four months will be maintained for the next calendar year.~~
5. ~~By September 1, 2005, the permittees shall identify the remaining industrial facilities that do not have business permits or other authorization by the permittees. These facilities shall be added to the database identified in Section IX.1 and shall be prioritized in accordance with the specifications identified in Section IX.2.~~
6. ~~Information including, at a minimum, inspection dates, inspectors present and the results of the inspection must be maintained in the database identified in Section IX.1, above, or must be linked to that database. A copy of this database must be provided to the Regional Board with each annual report.~~
7. ~~The permittees shall enforce their ordinances and permits at all industrial facilities as necessary to maintain compliance with this Order. Sanctions for non-compliance must include: monetary penalties, bonding requirements and/or permit denial or revocation.~~
8. ~~Within 24 hours of discovery, the permittees shall provide oral or email notification to the Santa Ana Regional Water Quality Control Board of non-compliant facilities, within their jurisdiction, that are determined to pose a threat to human health or the environment; (e.g., sewage spills that could impact water contact recreation, an oil spill that could impact wild life, a hazardous substance spill where residents are evacuated, etc.). Following oral notification, a written report must be submitted to the Santa Ana Regional Water Quality Control Board within 10 days, detailing the nature of the non-compliance, any corrective action taken by the site owner, other relevant information (e.g., past history of non-compliance, environmental damage resulting from the non-compliance, facility owner responsiveness) and the type of enforcement that will be carried out by the permittee. Further, incidences of noncompliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the database identified in Section IX.1.~~
9. ~~The inspectors responsible for verifying compliance at industrial and commercial facilities shall be trained in and have an understanding of: federal, state and local water quality laws and regulations as they apply to industrial activities; the potential effects of industrial discharge and urbanization on water quality; and implementation and maintenance of pollutant control BMPs. The permittees shall have adequately trained their inspection staff by July 1, 2003, and on an annual basis thereafter. Training programs should be coordinated with the Santa Ana Regional Water Quality Control Board and prior notification of training shall be provided to Regional Board staff. New hires or~~

Comment [m8]: Recommend moving text to new paragraph at end of VI. Legal Authority/Enforcement

Comment [m9]: Recommend that all notifications to Regional Board be moved to new notification section

~~transfers that will be performing industrial and commercial inspections for the permittees must be trained within one month of starting inspection duties.~~

Comment [m10]: Recommend that all training elements be moved to a new training section

10. ~~The permittees need not inspect facilities already inspected by Regional Board staff if the inspection was conducted within the specified time period.~~

~~X. MUNICIPAL INSPECTIONS OF COMMERCIAL FACILITIES~~

Comment [m11]: Recommend combining text where appropriate with Section VIII above, and new recommended notification and training sections

1. ~~The permittees shall develop by July 1, 2003, an inventory of the following commercial facilities/companies listed below within their jurisdiction. This database must be updated on an annual basis. This inventory must be maintained in a computer-based database system and must include relevant information on ownership, size, location, etc. Inclusion of a Geographical Information System (GIS) is recommended but not required.~~
 - a. ~~Automobile mechanical repair, maintenance, fueling, or cleaning;~~
 - b. ~~Automobile and other vehicle body repair or painting;~~
 - c. ~~Mobile automobile or other vehicle washing;~~
 - d. ~~Mobile carpet, drape or furniture cleaning;~~
 - e. ~~Mobile high pressure or steam cleaning;~~
 - f. ~~Painting and coating;~~
 - g. ~~Nurseries and greenhouses;~~
 - h. ~~Landscape and hardscape installation;~~
 - i. ~~Pool, lake and fountain cleaning;~~
 - j. ~~Other commercial sites/sources that the permittees determine may contribute a significant pollutant load to their MS4.~~
2. ~~To establish priorities for inspection requirements under this Order, the permittees shall prioritize commercial facilities/companies within their jurisdiction as a high, medium, or low threat to water quality based on such factors as the type, magnitude, and location of the commercial activity, potential for discharge of pollutants to the MS4, and any history of unauthorized non-storm water discharges.~~
3. ~~The permittees shall conduct commercial facility inspections for compliance with its ordinances and permits. Inspections shall include a review of material and waste handling and storage practices, pollutant control BMP implementation and maintenance, and evidence of past or present unauthorized, non-storm water discharges.~~

4. ~~After July 1, 2003, the permittees shall establish inspection frequencies and priorities as determined by the threat to water quality prioritization described in X.2. In the event that inappropriate material or waste handling or storage practices are observed, or there is evidence of past or present unauthorized, non-storm water discharges, an inspection frequency adequate to bring the site into compliance must be maintained.~~
5. ~~By July 1, 2004, all high priority sites shall have been inspected at least once.~~
6. ~~Information including at a minimum, inspection dates, inspectors present and the results of the inspection must be maintained in the database identified in Section X.1, above, or must be linked to that database. A copy of this database must be provided to the Regional Board with each annual report.~~
7. ~~The permittees shall enforce their ordinances and permits at commercial facilities. Sanctions for non-compliance must include: monetary penalties, bonding requirements and/or permit denial or revocation.~~
8. ~~Within 24 hours of discovery, the permittees shall provide oral or email notification to the Santa Ana Regional Water Quality Control Board of noncompliant facilities, within their jurisdiction, that are determined to pose a threat to human health or the environment; (e.g., sewage spills that could impact water contact recreation, an oil spill that could impact wild life, a hazardous substance spill where residents are evacuated, etc.). Following oral notification, a written report must be submitted to the Santa Ana Regional Water Quality Control Board within 10 days. All written reports shall detail the nature of the non-compliance, identify any corrective action taken by the site owner, and note other relevant information (e.g., past history of non-compliance, environmental damage resulting from the non-compliance, facility owner responsiveness) and the type of enforcement that will be carried out by the permittees. Further, incidences of non-compliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the database identified in Section X.1.~~
9. ~~The inspectors responsible for ensuring compliance at commercial facilities shall be trained in and have an understanding of: federal, state and local water quality laws and regulations as they apply to industrial and commercial activities; the potential effects of industrial discharge and urbanization on water quality; and, implementation and maintenance of pollutant control BMPs. The permittees shall have adequately trained their inspection staff by July 1, 2003 and on an annual basis thereafter. Training programs should be coordinated with the Santa Ana Regional Water Quality Control Board and prior notification of training shall be provided to Regional Board staff. New hires or transfers that will be performing commercial inspections for the permittees must be trained within one month of starting inspection duties.~~

Comment [m12]: Recommend moving text to new paragraph at end of VI. Legal Authority/Enforcement

Comment [m13]: Recommend that all notifications to Regional Board be moved to new notification section

Comment [m14]: Recommend that all training elements be moved to a new training section

XI. SEWAGE SPILLS, INFILTRATION INTO MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES

1. ~~The Executive Officer will request the local sewerage agencies to take the lead and develop a unified response guidance, in cooperation with the Principal Permittee. The Principal Permittee shall collaborate with the local sewerage agencies to develop a unified response mechanism to respond to sewage spills that may have an impact on receiving water quality. The permittees shall provide local sanitation districts 24-hour access to the MS4s to address sewage spills. The permittees shall work cooperatively with the local sewerage agencies to determine and control the impact of infiltration from leaking sanitary sewer systems on storm water quality.~~
2. ~~By July 1, 2003, the permittees, whose jurisdictions have 50 or more septic tank sub-surface disposal systems in use, shall identify with the appropriate governing agency a mechanism to determine the effect of septic system failures on storm water quality and a mechanism to address such failures.~~
3. The principal permittee shall collaborate with the local sewerage agencies to review and revise, as needed, the develop a Sanitary Sewer Overflow Unified Response Plan to ensure its consistency with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Order 2006-0003). ~~nified response mechanism to respond to any sewage spills that may have an impact on receiving water quality. The Executive Officer will request the local sewerage agencies to take the lead and develop the unified response guidance, by no later than July 1, 2003, in cooperation with the principal permittee.~~
4. ~~By July 1, 2003, the principal permittee shall review the permittees' current oversight programs for portable toilets to determine the need for any revision.~~

XII. NEW DEVELOPMENT (INCLUDING SIGNIFICANT RE-DEVELOPMENT)

~~A. GENERAL REQUIREMENTS~~

1. The permittees shall minimize the short and long-term impacts on receiving water quality from new developments and re-developments within its jurisdiction. In order to reduce pollutants and runoff flows from new developments and re-developments to the maximum extent practicable, permittees shall at a minimum:
 - a. Review and revise, as needed, the Water Quality Management Plan (WQMP) Guidance.
 - 1) The goals of the WQMP include:
 - a) Developing and implementing programs and policies to minimize the effects of urbanization on site hydrology, urban runoff flow rates or velocities and pollutant loads. This goal may be achieved through watershed-based structural treatment controls, in combination with site-specific BMPs.
 - b) Reducing pollutants in post-development runoff to MEP.

Comment [m15]: Recommend that section be reorganized to recognize existence of WQMP, which incorporated many of the requirements prescribed by this permit, and the need to periodically review and revise.

- c) Reducing or eliminating the discharge of any listed pollutant to an impaired waterbody on the 303(d) list that causes or contributes to an exceedance of a receiving water quality objective.
- 2) To meet the goals of the WQMP, periodic WQMP review should, at a minimum, consider the need to update requirements and/or policies for:
 - a) Construction and industry/commercial dischargers to reduce pollutants in runoff from construction sites during all construction phases.
 - b) Proper operation and maintenance (including funding) and identification of responsibility of any permanent flood control structures installed in new developments.
 - c) Sizing of BMPs to address applicable runoff flows or volumes.
 - d) Encouragement of the development and implementation of regional and/or watershed management programs.
 - e) BMPs for source control, pollution prevention, and/or structural treatment.
 - f) Identification of the responsible party and funding source for the operation and maintenance of treatment systems incorporated into a project.
- b. For projects required to comply with WQMP, review and modify the project approval process, as needed, to ensure compliance with WQMP provisions;
- c. Review General Plan/CEQA processes, as needed, to address storm water issues; and
- d. Conduct public and business education.
- 1. ~~By October 15, 2002, the permittees shall establish a mechanism to ensure (prior to issuance of any local permits or other approvals) that all construction projects and industrial facilities that are required to obtain coverage under the State's General Storm Water Permits have filed with the State Board a Notice of Intent to be covered by the relevant General Permit. Applicants shall be required to provide a copy of the Waste Discharger Identification Number (WDID) issued by the State Board as evidence of coverage under the General Permit.~~
- 2. ~~By September 1, 2002, the permittees shall review and modify the approval process for building, grading, and similar permits to include incorporation of BMPs as provided in the Guidelines for New Development and Redevelopment.~~

~~3. The permittees shall review and revise the storm water management program and implement any changes in the program, as necessary, in order to require construction site dischargers to reduce pollutants in runoff from construction sites during all construction phases. At a minimum, the program shall address:~~

- ~~a. Pollution prevention measures and public education~~
- ~~b. Grading Ordinance and any other local requirements~~
- ~~c. Verification of coverage under the State's General Permit~~
- ~~d. Prioritization and inspection of construction sites~~
- ~~e. Procedures for reporting non-compliance~~
- ~~f. Procedures for review and approval of WQMP. The permittees shall require applicants to prepare a WQMP in accordance with Appendix B of the ROWD and to incorporate identified structural and non-structural BMPs into the development.~~
- ~~g. Implementation of the new development BMPs, or identification of watershed or sub-watershed BMPs that new development projects could participate in.~~

~~4. The permittees shall review and revise the storm water management program and implement any changes in the program, as necessary in order to require industrial/commercial site dischargers to reduce pollutants in runoff from new industrial/commercial sites. At a minimum, this program shall address:~~

- ~~a. Pollution prevention measures and public education~~
- ~~b. Source identification and prioritization~~
- ~~c. Monitoring and inspection of industrial/commercial sites~~
- ~~d. Verification of coverage under the State's General Permit~~
- ~~e. Enforcement of local ordinances and other requirements for industrial/commercial sites~~
- ~~f. Procedures for reporting non-compliance~~
- ~~g. Procedures for review and approval of WQMP. The permittees shall require applicants to prepare a WQMP in accordance with Appendix B of the ROWD and incorporate identified structural and non-structural BMPs into the development.~~

~~5. The permittees shall minimize the short and long term impacts on receiving water quality from new developments and re-developments within its jurisdiction as required in Section~~

~~B.1 below. In order to reduce pollutants and runoff flows from new developments and re-developments to the maximum extent practicable, permittees shall at a minimum:~~

~~a. Review General Plan/CEQA Processes to address storm water issues~~

~~b. Review and modify project approval process~~

~~c. Conduct public and business education.~~

6. By February 15, 2003, the permittees shall review their planning procedures and CEQA document preparation processes to ensure that storm waterrelated issues are properly considered and addressed. If necessary, these processes should be revised to consider and mitigate impacts to storm water quality. These changes may include revising the General Plan, modifying the project approval processes, including a section on urban runoff related water quality issues in the CEQA checklist, and conducting training for project proponents. The findings of this review and the actions taken by the permittees shall be reported to the Regional Board in the annual report for the corresponding year that the review is completed. All actions found necessary shall be completed by February 15, 2004 and reported in the annual report for the corresponding year. The following potential impacts shall be considered during CEQA review:
 - a. Potential impact of project construction on storm water runoff.
 - b. Potential impact of project's post-construction activity on storm water runoff.
 - c. Potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.
 - d. Potential for discharge of storm water to affect the beneficial uses of the receiving waters.
 - e. Potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm.
 - f. Potential for significant increases in erosion of the project site or surrounding areas.
7. By July 1, 2004, the permittees shall review their watershed protection principles and policies in their General Plan or related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance) to ensure that these principles and policies are properly considered and are incorporated into these documents. The findings of this review and the actions taken by the permittees shall be reported to the Regional Board by November 15, 2004. These principles and policies shall include the following considerations:

- a. Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; minimize impacts from storm water and urban runoff on the biological integrity of natural drainage systems and water bodies;
 - b. Minimize changes in hydrology and pollutant loading; require incorporation of controls including structural and non-structural BMPs to mitigate any projected increases in pollutant loads and flows; ensure that post-development runoff rates and velocities from a site do not adversely impact downstream erosion, stream habitat; minimize the quantity of storm water directed to impermeable surfaces and the MS4s; maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground;
 - c. Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site;
 - d. Encourage the use of water quality wetlands, biofiltration swales, watershed-scale retrofits, etc., where such measures are likely to be effective and technically and economically feasible;
 - e. Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site; and
 - f. Establish development guidelines for areas particularly susceptible to erosion and sediment loss.
8. Each permittee shall provide the Regional Board with the draft amendment or revision when a pertinent General Plan element or the General Plan is noticed for comment in accordance with Government Code Section 65350 et seq.
 - ~~9. By September 1, 2003, the permittees shall review and, as necessary, revise their current grading/erosion control ordinances in order to reduce erosion caused by new development or significant re-development projects.~~
 - ~~10. The permittees shall, through conditions of approval, ensure proper maintenance and operation of any permanent flood control structures installed in new developments. The parties responsible for the maintenance and operation of the facilities, and a funding mechanism for operation and maintenance shall be identified prior to approval of the project.~~
 - ~~11. By November 15, 2003, the principal permittee shall submit a proposal for a study to evaluate the effectiveness of a group of selected BMPs for controlling erosion during new development. Based on the results of this study, one or more BMPs will be identified as (a) County preferred BMP(s) for erosion control during new development. This proposal shall include details of the new development project site, the BMPs selected for the study, and a proposed schedule. The proposal and final BMP selection shall be approved by the Regional Board Executive Officer and the study shall be completed by the end of this permit term.~~

~~12. The permittees shall continue to implement BMPs for new development and for public works construction.~~

~~13. By July 1, 2003, the permittees shall review their Guidelines for New Development and Redevelopment to determine the need for any revisions.~~

~~**B. WATER QUALITY MANAGEMENT PLAN (WQMP) FOR URBAN RUNOFF (FOR NEW DEVELOPMENT/SIGNIFICANT RE-DEVELOPMENT)**~~

Comment [m16]: Requirements incorporated into WQMP; recommend deletion

~~1. By January 1, 2004, the permittees shall review their existing BMPs for new developments and submit for review and approval by the Executive Officer, a revised WQMP for urban runoff from new developments/significant redevelopments for the type of projects listed below:~~

~~a. All significant re-development projects. Significant re-development is defined as the addition or creation of 5,000 or more square feet of impervious surface on an already developed site. This includes, but is not limited to, additional buildings and/or structures, extension of existing footprint of a building, construction of parking lots, etc. Where redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to these SUSMPs, the design standards apply only to the addition, and not the entire development.~~

~~b. Home subdivisions of 10 units or more. This includes single family residences, multi-family residence, condominiums, apartments, etc.~~

~~c. Industrial/commercial developments of 100,000 square feet or more. Commercial developments include non-residential developments such as hospitals, educational institutions, recreational facilities, mini-malls, hotels, office buildings, warehouses, and light industrial facilities.~~

~~d. Automotive repair shops (with SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539).~~

~~e. Restaurants where the land area of development is 5,000 square feet or more.~~

~~f. Hillside developments of 10,000 square feet or more which are located on areas with known erosive soil conditions or where the natural slope is twenty five percent or more.~~

~~g. Developments of 2,500 square feet of impervious surface or more adjacent to (within 200 feet) or discharging directly into environmentally sensitive areas such as areas designated in the Ocean Plan as areas of special biological significance or waterbodies listed on the CWA Section 303(d) list of impaired waters.~~

~~h. Parking lots of 5,000 square feet or more exposed to storm water. Parking lot is defined as land area or facility for the temporary storage of motor vehicles.~~

2. ~~The permittees are encouraged to include in the WQMP the development and implementation of regional and/or watershed management programs that address runoff from new development and significant re-development. The WQMP shall include BMPs for source control, pollution prevention, and/or structural treatment BMPs. For all structural treatment controls, the WQMP shall identify the responsible party for maintenance of the treatment systems, and a funding source or sources for its operation and maintenance. The goal of the WQMP is to develop and implement programs and policies to minimize the effects of urbanization on site hydrology, urban runoff flow rates or velocities and pollutant loads. This goal may be achieved through watershed-based structural treatment controls, in combination with site-specific BMPs. The WQMP shall reflect consideration of the following goals, which may be addressed through on-site and/or watershed-based BMPs:~~
 - a. ~~The pollutants in post development runoff shall be reduced using controls that utilize best available technology (BAT) and best conventional technology (BCT).~~
 - b. ~~The discharge of any listed pollutant to an impaired waterbody on the 303(d) list shall not cause or contribute to an exceedance of receiving water quality objectives.~~
3. ~~Pending revision of the WQMP requirements, the permittees shall implement their proposed program detailed in Section 4 of the ROWD. If the Executive Officer does not approve the revised WQMP by June 1, 2004, as meeting the goals proposed in Section XII.B.2, above, and providing an equivalent or superior degree of treatment as the sized criteria outlined below, structural BMPs shall be required for all new development and significant redevelopment. Minimum structural BMPs must either be sized to comply with one of the following numeric sizing criteria or be deemed by the principal permittee to provide equivalent or superior treatment, either on a site basis or a watershed basis:~~
 - a. ~~Volume~~

~~Volume-based BMPs shall be designed to infiltrate or treat either:~~

 - 1) ~~The volume of runoff produced from a 85th percentile 24-hour storm event, as determined from the local historical rainfall record; or~~
 - 2) ~~The volume of annual runoff produced by the 85th percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or~~
 - 3) ~~The volume of annual runoff based on unit basin storage volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/commercial (1993); or~~

- 4) ~~The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event;~~

OR

~~b. Flow~~

~~Flow-based BMPs shall be designed to infiltrate or treat either:~~

- ~~1) The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or~~
- ~~2) The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or~~
- ~~3) The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.~~

~~The permittees may propose any equivalent sizing criteria for treatment BMPs or other controls that will achieve greater or substantially similar pollution control benefits. In the absence of approved equivalent sizing criteria, the permittees shall implement the above stated sizing criteria. If a particular BMP is not technically feasible, other BMPs should be implemented to achieve the same level of compliance or if the cost of BMP implementation greatly outweighs the pollution control benefits, the permittees may grant a waiver of the numeric sizing criteria. All waivers, along with waiver justification documentation must be reported to the Regional Board in writing within 30 days. The permittees may propose to establish an urban runoff fund to be used for urban water quality improvement projects within the same watershed that is funded by contributions from developers granted waivers. If it is determined by the Regional Board that waivers are being inappropriately granted, this Order may be reopened to modify these waiver conditions. The obligation to install minimum structural BMPs at new development is met if, for a common scheme of development, BMPs are constructed with the requisite capacity to serve the entire common scheme, even if certain phases of the common scheme may not have BMP capacity located on that phase in accordance with the requirements specified above.~~

~~C. GROUNDWATER PROTECTION~~

~~XX. Any structural infiltration BMPs shall meet the following minimum requirements to protect groundwater:~~

- ~~a1. Use of structural infiltration treatment BMPs shall not cause or contribute to an exceedance of groundwater water quality objectives.~~

- b2. Source control and pollution prevention control BMPs shall be implemented to protect groundwater quality.
- c3. Structural infiltration treatment BMPs shall not be used in ~~industrial or~~ high vehicular traffic areas (25,000 or greater average daily traffic).
- d4. Structural infiltration treatment BMPs shall be located at least 100 feet horizontally from any water supply wells.
- e5. The vertical distance from the bottom of any infiltration structural treatment BMP to the historic high groundwater mark shall be at least 10 feet.
- f6. Structural infiltration treatment BMPs shall not cause a nuisance or pollution as defined in Water Code Section 13050.

Comment [m17]: Recommend removing "industrial" in this sentence to increase flexibility and be consistent with MSWMP. MSWMP notes that there is flexibility to use structural BMPs in industrial areas as long as groundwater protected.

XIII. PUBLIC EDUCATION AND OUTREACH

Comment [m18]: Recommended revision to be consistent with proposal in ROWD and MSWMP.

1. At least once each year, the permittees shall review and revise their public education efforts as necessary to ensure the long-term effectiveness of the storm water management program. Revisions to the public education and outreach program must be consistent with the annual reassessment of program priorities with particular emphasis on addressing the most critical storm water pollution problems. Any changes to the on-going public education program must be described in the annual report.
2. When feasible, the permittees shall participate in joint outreach programs with other agencies including, but not limited to, the State of California Storm Water Quality Task Force, Caltrans, and other county and municipal storm water programs to ensure that a consistent message on storm water pollution prevention is disseminated to the public.
3. The permittees shall ensure implementation of BMPs listed in the Storm Water Management Plan and/or the Water Quality Management Plan for restaurants, automotive service centers, gasoline stations and other similar facilities by distributing BMP brochures or other fact sheets to these facilities during inspections and/or through other means.
4. The permittees shall continue to maintain a hotline telephone number and website to allow the public to report illegal dumping from residential, industrial, construction or commercial sites into public streets, storm drains and other waterbodies. The public should also be encouraged to report clogged storm drains, faded or missing warning stencils on catch basin drains, and other hazards to water quality they may observe. The hotline number and website address shall be included in all public education materials and must be listed in the governmental pages of appropriate regional phone directories. The hotline number and website address for reporting storm water pollution problems shall be promoted in an appropriate advertising campaign.
5. The permittees shall review and revise guidelines for the control of those potentially polluting activities not otherwise regulated by any other state or federal agency (vehicle

maintenance activities, carpet cleaners, commercial landscape maintenance and pavement cutting). These guidelines shall continue to be distributed to the public and trade associations through whatever means is deemed most effective by the permittees.

6. The permittees shall ensure that appropriate educational materials, including the BMP brochures, are provided to all new commercial enterprises in their jurisdiction at the time building and construction permits (or occupancy permits) are issued and/or at the time business licenses are issued.
- ~~1. The permittees shall continue to implement the public education efforts already underway and shall implement all elements of the comprehensive public and business education strategy contained in the ROWD. By October 30, 2002, the permittees shall complete a public awareness survey to determine the effectiveness of the current public and business education strategy.~~
- ~~2. When feasible, the permittees shall participate in a joint outreach with other programs including, but not limited to, the State of California Storm Water Quality Task Force, Caltrans, and other municipal storm water programs to ensure that a consistent message on storm water pollution prevention is disseminated to the public. The permittees shall sponsor or staff a storm water table or booth at community, regional, and/or countywide events to distribute public education materials to the public. Each permittee shall participate in at least one event per year.~~
- ~~3. By January 15, 2003, the Management Committee shall make recommendations for any changes to the public and business education program. The goal of the public and business education program shall be to target 100% of the residents including businesses, commercial and industrial establishments. Through use of local print, radio and television, the permittees must ensure that the public and business education program makes a minimum of 5 million impressions per year and that those impressions measurably increase the knowledge and measurably change the behavior of the targeted groups. By January 15, 2003, the Management Committee shall propose a study for measuring changes in knowledge and behavior as a result of the education program. Upon approval by the Regional Board Executive Officer, the study shall be completed by the end of the permit cycle. The Committee shall ensure implementation of BMPs listed in the ROWD (Appendix C) for restaurants, automotive service centers, gasoline service stations and other similar facilities. The permittees shall distribute these BMP brochures or fact sheets to these facilities during inspections and/or through other means. Further, for restaurant, automotive service centers, and gasoline service station corporate chains, information is to be developed that will be provided to corporate environmental managers during outreach visits that will take place during the permit term.~~
- ~~4. By September 15, 2002, the permittees shall develop public education materials to encourage the public to report (including a hotline telephone number to report) illegal dumping from residential, industrial, construction and commercial sites into public streets, storm drains and other waterbodies, clogged storm drains, faded or missing catch basin stencils and general storm water and BMP information. This hotline and website~~

~~shall be included in the public and business education program and shall be listed in the governmental pages of all regional phone books.~~

- ~~5. By September 1, 2003, the permittees shall develop BMP guidelines for the control of those potentially polluting activities not otherwise regulated by any agency including guidelines for the household use of fertilizers, pesticides, herbicides, and other chemicals, guidelines for mobile vehicle maintenance activities, carpet cleaners, commercial landscape maintenance, and pavement cutting. These guidelines shall be distributed to the public, trade associations, etc., through participation in community events, trade association meetings, and/or mail.~~
- ~~6. By September 1, 2003, the permittees shall conduct an evaluation to determine the best method of establishing a mechanism(s) for providing educational and General Industrial Permit materials to businesses within their jurisdiction. These mechanism(s) for distributing educational materials to businesses shall be implemented by March 1, 2004.~~

XIV. MUNICIPAL FACILITIES/ACTIVITIES

Comment [m19]: Most deletions recommended because requirements completed or text is redundant with other text in permit.

- ~~1. Each permittee shall adopt the performance goals and implement the commitments included under Section 5.5 of the ROWD to prevent public agency facilities and activities from causing or contributing to a pollution or nuisance in receiving waters.~~
- ~~2. By September 1, 2003, the permittees shall complete an assessment of their flood control facilities to evaluate opportunities to configure and/or to reconfigure channel segments to function as pollution control devices and to optimize beneficial uses. These modifications may include in-channel sediment basins, bank stabilization, water treatment wetlands, etc. This shall be reported in the 2002-2003 annual report.~~
- ~~3. By July 1, 2003, the permittees, in coordination with the San Bernardino County Fire Chiefs Association, shall develop a list of appropriate BMPs to be implemented to reduce pollutants from training activities, fire hydrant/sprinkler testing or flushing, non-emergency fire fighting, and any BMPs feasible for emergency firefighting flows.~~
- ~~4. By October 1, 2002, the Management Committee shall develop and distribute to all permittees a BMP fact sheet to address public agency activities such as road construction and maintenance, street sweeping, catch basin stenciling, drainage facility cleaning and maintenance, etc. This shall be reported in the 2002-2003 annual report.~~
- ~~5. By October 1, 2002, the Management Committee shall develop and distribute BMP guidelines for public agency and contract field operations and maintenance staff. These guidelines shall describe appropriate pollution control measures, appropriate response to spills and illegal discharges, etc. Contractor training requirements shall be included in new contracts and contracts that come up for renewal. This shall be reported in the 2002-2003 annual report.~~
- ~~6. At least on an annual basis, each permittee shall provide training to public agency staff and to contract field operations staff on fertilizer and pesticide management, model~~

~~maintenance procedures, and implementation of other pollution control measures. Each permittee shall designate key staff involved in public agency activities to attend at least three such training sessions during the five-year term of this permit (from 2002-2007).~~

Comment [m20]: Recommend that all training elements be moved to new training section

7. ~~By July 1, 2003, the Management Committee shall evaluate the efficiency and cost effectiveness of the available BMPs for litter control and develop recommendations for any needed improvements. This shall be reported in the 2002-2003 annual report.~~
8. ~~Each permittee shall identify areas that are not subject to street sweeping due to lack of continuous curb and gutter, and evaluate their potential for impacting storm water quality. Appropriate BMPs shall be implemented where significant water quality impact is identified. This shall be reported in the 2002-2003 annual report.~~
9. Each permittee shall inspect all of their inlets, open channels, and basins at least once during each reporting year and ~~maintain clean~~ (and, if necessary, repair) at least 80% of its drainage facilities on an annual basis, with 100% of the facilities included in a two-year period, using the BMP fact sheet developed by the Management Committee. The inspection and ~~maintenance cleaning~~ frequency for all or portions of the drainage facilities shall be evaluated annually to determine the need for increasing the inspection and ~~maintenance cleaning~~ frequency. This information shall be included in the annual report.
10. Each permittee shall clean those drainage facilities where the inspection reveals that the sediment/storage volume is 25% full, or where there is evidence of illegal discharge or if accumulated sediment or debris impairs the hydraulic capacity of the facility.
11. Successful implementation of the provisions of this Order will require the cooperation of many different departments within each permittee's jurisdiction (e.g. the Fire Department, the Public Health Department, the Planning Department, the Licensing Bureau, the Parks & Recreation Department, the Public Works Department, the Transportation Department, the Building and Safety Department, the Code Enforcement Department, the Police Department, etc.). As such, these departments are expected to actively participate in implementing this area-wide stormwater permit. The permittees shall be responsible for ensuring that all necessary county and municipal departments within their jurisdiction are involved in the stormwater management program.~~Successful implementation of the provisions in this Order will require the cooperation of all the public agency organizations within San Bernardino County having programs/activities that have an impact on storm water quality (e.g., Fire Department, Department of Environmental Health, Planning Department, Transportation Department, Parks and Recreation, Building and Safety, Code Enforcement, etc.) As such, these organizations are expected to actively participate in implementing this area wide storm water program. The permittees shall be responsible for involving the public agencies in their storm water program.~~

Comment [m21]: Recommend use of the word "clean" or "cleaning" instead of "maintain" or "maintenance" - provides clarity regarding what is intended and links text better to following paragraph which says "clean"

XV. MUNICIPAL CONSTRUCTION PROJECTS/ACTIVITIES

1. ~~This Order authorizes the discharge of storm water runoff from construction projects that may result in land disturbance of five (5) acres or more (or less than five acres, if it is part~~

~~of a larger common plan of development or sale which is five acres or more) that are under ownership and/or direct responsibility of any of the permittees.~~

2. ~~No later than March 10, 2003 or a~~As specified in the latest version of the State General Stormwater Construction Permit, the permittees shall comply with the requirements for municipal construction projects that may result in land disturbance greater than one acre.
3. Prior to commencement of construction activities, the permittees shall notify the Executive Officer of the Regional Board of the proposed construction project. Upon completion of the construction project, the Executive Officer shall be notified of the completion of the project.
4. The permittees shall develop and implement a storm water pollution prevention plan (SWPPP) and a monitoring program that is specific for the construction project prior to the commencement of any of the construction activities. The SWPPP shall be kept at the construction site and released to the public and/or Regional Board staff upon request.
5. The SWPPP and the monitoring program for the construction projects shall be consistent with the requirements of the latest version of the State's General Construction Activity Storm Water Permit.
6. The permittees shall give advance notice to the Executive Officer of the Regional Board of any planned changes in the construction activity, which may result in non-compliance with the latest version of the State's General Construction Activity Storm Water Permit.
7. All other terms and conditions of the latest version of the State's General Construction Activity Storm Water Permit shall be applicable.

XVI. PROGRAM MANAGEMENT/MSWMP REVIEW

1. By October 1 of each year, the permittees shall evaluate the MSWMP to determine the need for any revisions. ~~At a minimum, the first annual review after adoption of this Order shall include:~~
 - ~~a. A description of any additional formal training needs for municipal employees.~~
 - ~~b. A description of the need for additional coordination meeting/training for the designated NPDES inspectors.~~
- ~~2.~~The annual report submitted each year shall include the findings of the MSWMP review and a schedule for any needed revisions.
3. The permittees shall modify the MSWMP, at the direction of the Regional Board Executive Officer, to, as necessary, incorporate additional provisions. Such provisions may include regional and watershed-specific requirements and/or waste load allocations developed and approved pursuant to the TMDL process for impaired water bodies.

4. ~~The Management Committee will continue to meet at least 11 times a year to discuss issues related to permit implementation and regional and statewide issues. Each permittee's designated representative or a designated alternate should attend not less than 9 out of 11 meetings.~~

Comment [m22]: Requirement contained within MSWMP; recommend deletion

XVII. FISCAL RESOURCES

The permittees shall provide adequate funding for administration, implementation and enforcement of the areawide storm water management program elements and local storm water programs. The permittees shall prepare and submit a ~~unified fiscal analysis~~ financial summary to the Executive Officer of the Regional Board. The ~~fiscal analysis~~ financial summary shall be submitted with the Annual Report each year and shall, at a minimum, include the following:

1. Each permittee's expenditures for the previous fiscal year,
2. Each permittee's budget for the current fiscal year,
3. A description of the source of funds, and
4. Each permittee's estimated budget for the next fiscal year.

XVIII. PROVISIONS

GENERAL

1. ~~All reports submitted by the permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Any unresolved issues shall be scheduled for a public hearing at a Regional Board meeting prior to approval by the Executive Officer.~~
2. ~~The purpose of this Order is to require the implementation of best management practices to reduce, to the maximum extent practicable, the discharge of pollutants from the MS4 in order to support reasonable further progress towards attainment of water quality objectives.~~
3. Permittees shall demonstrate compliance with all the requirements in this Order and specifically with Section III. Discharge Limitations, and Section IV. Receiving Water Limitations, through timely implementation of their MSWMP, ~~its components~~ and any modifications, revisions, or amendments to this documents developed pursuant to this Order approved by the Executive Officer or determined by the permittee to be necessary to meet the requirements of this Order. The MSWMP ~~and its components, as included in the ROWD~~, including any approved amendments thereto, is hereby made an enforceable component of this Order.

Comment [m23]: Recommend that this paragraph be moved to proposed new notification section

4. Certain BMPs implemented or required by the permittees for urban runoff management may create habitat for vectors (e.g., mosquitoes and rodents) if not properly designed and maintained. Close collaboration and cooperative effort between the permittees and local vector control agencies and the State Department of Health Services during the development and implementation of urban runoff management programs are necessary to minimize potential vector habitat and public health impacts resulting from vector breeding. Nothing in this permit is intended to prohibit inspection or abatement of vectors by the State or local vector control agencies in accordance with the respective Health and Safety Code.
5. ~~The permittees shall, at a minimum, implement all elements of the MSWMP and its components, as included in the ROWD.~~ Where the dates are different from the corresponding dates in this Order, the dates in this Order shall prevail. Any proposed revisions to the MSWMP shall be submitted with the Annual Report to the Executive Officer of the Regional Board for review and approval. All approved revisions to the MSWMP shall be implemented as per the time schedules approved by the Executive Officer. In addition to those specific controls and actions required by: (1) the terms of this Order and (2) the MSWMP ~~and its components~~, each permittee shall implement additional controls, if any are necessary, to reduce the discharge of pollutants in storm water to the maximum extent practicable as required by this Order.
6. The permittees shall comply with Monitoring and Reporting Program No. R8- 2002-0012 and any revisions thereto, which are hereby made a part of this Order. The Executive Officer is hereby authorized to revise the Monitoring and Reporting Program in a manner consistent with this Order to allow the permittees to participate in regional, statewide, national or other monitoring programs in lieu of or in addition to Monitoring and Reporting Program No. R8-2002-0012.
7. Upon approval by the Executive Officer of the Regional Board, all plans, reports and subsequent amendments required by this Order shall be implemented and shall become an enforceable part of this Order. Prior to approval by the Executive Officer, these plans, reports and amendments shall not be considered as an enforceable part of this Order.
8. The permittees shall report to the Executive Officer of the Regional Board:
 - a. Any enforcement actions and discharges of storm or non-storm water, known to the permittees, which may have an impact on human health or the environment, and
 - b. Any suspected or reported activities on federal, state, or other entity's land or facilities, where the permittees do not have any jurisdiction, and where the suspected or reported activities may be contributing pollutants to waters of the US.
9. ~~The permittees shall immediately report any discharge that may endanger human health or the environment including any unauthorized discharge to the Executive Officer or his designee (909-782-3238, or by e-mail to: sw@rb8.swrcb.ca.gov) and to the Office of Emergency Services (1-800-852-7550). This reporting should be done by phone or e-mail as~~

~~soon as the permittees become aware of the circumstances. A written report of the discharge or incident shall be submitted to the Executive Officer within five days.~~

Comment [m24]: Recommend combining all notification requirements into one section; in addition, make all notification requirements consistent.

10. The permittees shall not issue occupancy permits unless the applicant is informed of his obligation under the State's General Industrial Activities Storm Water Permit. The permittees shall not issue any grading permit for construction activities which will disturb ~~one five~~ acres or more (or less than ~~five one~~ acres, if it is part of a larger common plan of development or sale which is ~~five one~~ acres or more ~~or when Phase II requirements become effective~~) until proof of coverage with the State's General Construction Activity Storm Water Permit is verified. The proof of coverage may include a letter from the Regional Board office, a copy of the Notice of Intent, Waste Discharger Identification number, etc.
11. The permit application and special NPDES program requirements are contained in 40 CFR 122.21 (a), (b), (d)(2), (f), (p); 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l); and 122.42 (c), and are incorporated into this Order by reference.

XIX. PERMIT EXPIRATION AND RENEWAL

1. This Order expires on April 27, 2007 and the permittees must file a new Report of Waste Discharge (permit application) no later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.

The Report of Waste Discharge shall, at a minimum, include the following:

- a. Any revisions to the Report of Waste Discharge including, but not limited to, all the activities the permittees propose to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, any proposed pilot studies, etc.;
- b. Changes in land use and/or population including map updates;
- c. Any significant changes to the storm drain systems, outfalls, detention or retention basins or dams, and other controls including map updates of the storm drain systems; and
- d. Any new or revised program elements and compliance schedule(s) necessary to comply with Section IV of this Order.

2. Following appropriate public notice, ~~T~~^his Order may be modified, revoked or reissued prior to its expiration date for the following reasons:
 - a. To address significant changes in conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this Order;

- b. To incorporate applicable requirements of statewide water quality control plans adopted by the State Water Resources Control Board or any amendments to the Basin Plan approved by the Regional Board, the State Board, and, if necessary, by the Office of Administrative Law;
 - c. To comply with any applicable requirements, guidelines, or regulations issued or approved under the Clean Water Act, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this Order; or
 - d. To incorporate any requirements imposed upon the permittees through the TMDL process.
3. This Order shall serve as an NPDES Permit pursuant to Section 402 (p) of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator of the U. S. EPA has no objections. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.
4. Order No. 96-32 is hereby rescinded.

##. NOTIFICATION REQUIREMENTS

1. Within 24 hours of discovery, the permittees shall provide oral or email notification to the Santa Ana Regional Water Quality Control Board of any discharge, including non-compliant construction sites, industrial facilities or commercial facilities within their jurisdiction, that are determined to pose a threat to human health or the environment (e.g., sewage spills that could impact water contact recreation, an oil spill that could impact wild life, a hazardous substance spill where residents are evacuated, etc.). Following oral notification, a written report must be submitted to the Santa Ana Regional Water Quality Control Board within 10 days, detailing the nature of the non-compliance, any corrective action taken by the site/facility owner, other relevant information (e.g., past history of non-compliance, environmental damage resulting from the non-compliance, site/facility owner responsiveness) and the type of enforcement that will be carried out by the permittee. Further, incidences of noncompliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the area-wide MS4 Database.
2. All reports submitted by the permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Any unresolved issues shall be scheduled for a public hearing at a Regional Board meeting prior to approval by the Executive Officer.

Comment [m25]: Recommend that all notification requirements be moved to a new section

Comment [m26]: Recommend combining existing permit text from VIII.5, IX.8, and X.8; and revising first sentence to incorporate "any discharge" language in XVIII.9 of General Provisions.

##. **TRAINING**

Comment [m27]: Recommend that all training requirements be moved to a new section

1. As appropriate to their inspection duties, inspectors responsible for verifying compliance with this Order shall be trained in and have an understanding of:
 - a. Federal, state and local water quality laws and regulations as they apply to construction and grading activities; the potential effects of construction and urbanization on water quality; and, implementation and maintenance of erosion control BMPs and sediment control BMPs and the applicable use of both.
 - b. Federal, state and local water quality laws and regulations as they apply to industrial activities; the potential effects of industrial discharge and urbanization on water quality; and implementation and maintenance of pollutant control BMPs.
2. The permittees shall ensure adequate training of their inspection staff ~~by July 1, 2003, and~~ on an annual basis prior to October 1~~hereafter~~. Training programs should be coordinated with the Santa Ana Regional Water Quality Control Board and prior notification of training shall be provided to Regional Board staff. New hires or transfers that will be performing inspections for the permittees must be trained within one month of starting inspection duties.
3. For municipal facilities/activities, each permittee shall provide training to public agency staff and to contract field operations staff on fertilizer and pesticide management, model maintenance procedures, and implementation of other pollution control measures, at least on an annual basis. Each permittee shall designate key staff involved in public agency activities to attend at least three such training sessions during the five-year term of this permit.

Recommended changes to the Glossary (ATTACHMENT 4 to existing permit)

Beneficial Uses – The uses of water necessary for the survival or well being of man, plants, and wildlife. These uses of water serve to promote the tangible and intangible economic, social, and environmental goals. “Beneficial Uses” that may be protected against include, but are not limited to: domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. Existing beneficial uses are uses that were attained in the surface or ground water on or after November 28, 1975; and potential beneficial uses are uses that would probably develop in future years through the implementation of various control measures. “Beneficial Uses” are equivalent to “Designated Uses” under federal law. [California Water Code Section 13050(f)].

Best Available Technology (BAT) – BAT is the acronym for best available technology economically achievable. BAT is the technology-based standard established by congress in CWA section 402(p)(3)(A) for industrial dischargers of storm water. Technology-based standards establish the level of pollutant reductions that dischargers must achieve, typically by treatment or by a combination of treatment and best management practices, or BMPs. For example, secondary treatment (or the removal of 85% suspended solids and BOD) is the BAT for suspended solid and BOD removal from a sewage treatment plant. BAT generally emphasizes treatment methods first and pollution prevention and source control BMPs secondarily.

The best economically achievable technology that will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants is determined in accordance with regulations issued by the Environmental Protection Agency Administrator. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the permitting authority deems appropriate.

Best Conventional Technology (BCT) – BCT is an acronym for Best Conventional Technology. BCT is the treatment techniques, processes and procedure innovations, and operating methods that eliminate or reduce chemical, physical, and biological pollutant constituents.

Best Management Practices – Best Management Practices (BMPs) are defined in 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the case of municipal storm water permits, BMPs are typically used in place of numeric effluent limits.

Bioaccumulate – The progressive accumulation of contaminants in the tissues of organisms through any route including respiration, ingestion, or direct contact with contaminated water,

sediment, pore water, or dredged material to a higher concentration than in the surrounding environment. Bioaccumulation occurs with exposure and is independent of the trophic level.

Biological Integrity – Defined in Karr J.R. and D.R. Dudley. 1981. Ecological perspective on water quality goals. Environmental Management 5:55-68 as: “A balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of natural habitat of the region.” Also referred to as ecosystem health.

Clean Water Act Section 402(p) – [33 USC 1342(p)] is the federal statute requiring municipal and industrial dischargers to obtain NPDES permits for their discharges of storm water.

Clean Water Act Section 303(d) Listed Water Body – is an impaired water body in which water quality does not meet applicable water quality standards and/or is not expected to meet water quality standards, even after the application of technology-based pollution controls required by the CWA. The discharge of urban runoff to these water bodies by the Co-permittees is significant because these discharges can cause or contribute to violations of applicable water quality standards.

Contamination – As defined in the Porter-Cologne Water Quality Control Act, contamination is “an impairment of the quality of waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.” ‘Contamination’ includes any equivalent effect resulting from the disposal of waste whether or not waters of the U.S. are affected.

Controllable Water Quality Factors - Section 13241 of the Porter-Cologne Act requires Regional Water Quality Control Boards to take into consideration: "water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area" when establishing water quality objectives. Permittees are not responsible for meeting water quality objectives if the factors causing exceedances are beyond their ability to control through practical measures.

Comment [m1]: Recommended new definition

Debris – Debris is defined as the remains of anything destroyed or broken, or accumulated loose fragments of rock.

Effluent Limitations – Limitations on the volume of each waste discharge, and the quantity and concentrations of pollutants in the discharge. The limitations are designed to ensure that the discharge does not cause water quality objectives to be exceeded in the receiving water and does not adversely affect beneficial uses.

Effluent limitations are limitations of the quantity and concentrations of pollutants in a discharge. The limitations are designed to ensure that the discharge does not cause water quality objectives to be exceeded in the receiving water and does not adversely affect beneficial uses. In other words, an effluent limit is the maximum concentration of a pollutant that a discharge can contain. To meet effluent limitations, the effluent typically must undergo one or more forms of treatment to remove pollutants in order to lower the pollutant concentration below the limit. Effluent limits are typically numeric (e.g., 10 mg/l).

Erosion – When land is diminished or wane away due to the effects of wind, water, or glacial ice. Often the eroded debris (silt or sediment) becomes a pollutant via storm water runoff. Erosion occurs naturally but can be intensified by land clearing activities such as farming, development, road building, and timber harvesting.

Grading – The cutting and/or filling of the land surface to a desired slope or elevation.

Hazardous Material – Any substance that poses a threat to human health or the environment due to its toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by the U.S. EPA to be reported if a designated quantity of the material is spilled into the waters of the United States or emitted into the environment.

Illicit Discharge – Any discharge to a municipal separate storm sewer that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Section III, Discharge Limitations/Prohibitions, of this Order, and discharges authorized by the Regional Board Executive Officer.

MEP - MEP is an acronym for "Maximum Extent Practicable" and refers to the standard for implementation of storm water management programs. Section 402(p)(3)(B)(iii) of the Clean Water Act requires that municipal storm water permits "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants" In practice, compliance with the MEP standard is evaluated by how well the permittee implements the "minimum measures" identified by EPA, including: (1) Public education and outreach on storm water impacts; (2) Public involvement/participation; (3) Illicit discharge detection and elimination; (4) Construction site storm water runoff control; (5) Post-construction storm water management in new development and redevelopment; and (6) Pollution prevention/good housekeeping for municipal operations. Collectively, these minimum measures are often referred to as "Best Management Practices" or BMPs. The MEP standard does not require permittees to reduce pollutant concentrations below natural background levels, nor does it necessarily require further reductions where pollutant concentrations in the receiving water already meet water quality objectives. In implementing the MEP standard, it is appropriate for permittees to prioritize their resource allocation to address the storm water pollution problems that pose the greatest and most immediate threat to human health or the environment.

Comment [m2]: Recommended revised definition

~~**MEP**—MEP is the acronym for Maximum Extent Practicable. Maximum Extent Practicable means the standard for implementation of storm water management programs to reduce pollutants in storm water. CWA section 402(p)(3)(B)(iii) requires that municipal permits “shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. Specifically, municipalities must choose effective BMPs, and reject applicable BMPs only where other effective BMPs will serve the same purpose.~~

Municipal Storm Water Conveyance System – (See Municipal Separate Storm Sewer System or MS4).

Municipal Separate Storm Sewer System (MS4) – MS4 is an acronym for Municipal Separate Storm Sewer System. A Municipal Separate Storm Sewer System is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, natural drainage features or channels, modified natural channels, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designated or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

Historic and current development make use of natural drainage patterns and features as conveyances for urban runoff. Urban streams used in this manner are part of the municipalities MS4 regardless of whether they are natural, man-made, or partially modified features. In these cases, the urban stream is both an MS4 and a receiving water.

National Pollution Discharge Elimination System (NPDES) – Permits issued under Section 402(p) of the Federal Clean Water Act for regulating discharge of pollutants to waters of the United States.

Non-Point Source Pollution (NPS) – Non point source refers to diffuse, widespread sources of pollution. These sources may be large or small, but are generally numerous throughout a watershed. Non Point Sources include but are not limited to urban, agricultural, or industrial areas, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation. NPS pollution can occur year round any time rainfall, snowmelt, irrigation, or any other source of water runs over land or through the ground, picks up pollutants from these numerous, diffuse sources and deposits them into rivers, lakes, and coastal waters or introduces them into ground water.

Non-Storm Water – Non-storm water consists of all discharges to and from a storm water conveyance system that do not originate from precipitation events (i.e., all discharges from a conveyance system other than storm water). Non-storm water includes illicit discharges, non-prohibited discharges, and NPDES permitted discharges. An illicit discharge is defined at 40 CFR 122.26(b)(2) as any discharge to a municipal storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a separate NPDES permit and discharges resulting from emergency fire fighting activities.

Nuisance – As defined in the Porter-Cologne Water Quality Control Act a nuisance is “anything which meets all of the following requirements: 1) Is injurious to health, or is indecent, or

offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. 2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. 3) Occurs during, or as a result of, the treatment or disposal of wastes.”

Numeric Effluent Limitations – The typical method by which effluent limits are prescribed for pollutants in waste discharge requirements implementing the federal NPDES regulations. When numeric effluent limits are met at the “end-of-pipe,” the effluent discharge generally will not cause water quality standards to be exceeded in the receiving waters (i.e., water quality standards will also be met).

Person – A person is defined as an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. [40 CFR 122.2].

Point Source – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operations, landfill leachate collection systems, vessel, or other floating craft from which pollutants are or may be discharged.

Pollution – As defined in the Porter-Cologne Water Quality Control Act, pollution is the alteration of the quality of the waters of the U.S. by waste, to a degree that unreasonably affects either of the following: A) The waters for beneficial uses; or 2) Facilities that serve these beneficial uses.” Pollution may include contamination.

Pollutant – A pollutant is broadly defined as any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated.

Pollution Prevention – Pollution prevention is defined as practices and processes that reduce or eliminate the generation of pollutants, in contrast to source control, treatment, or disposal.

Post-Construction BMPs – A subset of BMPs including structural and non-structural controls which detain, retain, filter, or educate to prevent the release of pollutants to surface waters during the final functional life of development.

Receiving Water Limitations – Waste discharge requirements issued by the SARWQCB typically include both: (1) “Effluent Limitations” (or “Discharge Limitations”) that specify the technology-based or water-quality-based effluent limitations; and (2) “Receiving Water Limitations” that specify the water quality objectives in the Basin Plan as well as any other limitations necessary to attain those objectives. In summary, the “Receiving Water Limitations” provision is the provision used to implement the requirement of CWA section 301(b)(1)(C) that NPDES permits must include any more stringent limitations necessary to meet water quality standards.

Sediment – Soil, sand, and minerals washed from land into water. Sediment resulting from anthropogenic sources (i.e. human induced land disturbance activities) is considered a

pollutant. This Order regulates only the discharges of sediment from anthropogenic sources and does not regulate naturally occurring sources of sediment. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.

Significant Environmental Impact - Significant environmental impact may be demonstrated directly thru actual evidence of harm (e.g. fish kills, illness outbreaks) or indirectly by analyzing samples of the receiving water. By definition, when pollutant concentrations exceed applicable water quality objectives defined in the Santa Ana River Watershed Basin Plan or other official state and federal regulations, then there is potential for significant adverse effect on the environment. Conversely, when pollutant concentrations meet applicable water quality objectives, then there is rarely any risk of significant environmental impact even when the chemical concentrations are elevated above natural background conditions.

Comment [m3]: Recommended new definition

Significant Non-compliance - discharging any waste that causes or contributes to an exceedance of water quality objectives specified in the Santa Ana Regional Water Quality Control Plan or that poses an imminent and substantial threat to human health or the environment is deemed to constitute significant non-compliance with the federal Clean Water Act, the state Porter-Cologne Act, this permit and various local ordinances. Failure to obtain coverage under one or more of the Statewide General Permit(s) by filing an appropriate Notice-of-Intent (NOI) is also deemed to be significant non-compliance with the aforementioned laws and regulations. Failure to correct deficiencies identified during formal stormwater inspections, after receiving proper notice and within the allotted compliance schedule, is also deemed to be significant non-compliance.

Comment [m4]: Recommended new definition

Significant Source of Pollutants - A "significant source" is one that emits a sufficient quantity of pollutants, alone or in combination with other dischargers, that there is a reasonable potential to cause or contribute to an exceedance of water quality objectives in the storm water channel or the downstream receiving waters.

Comment [m5]: Recommended new definition

Storm Water - "Storm water" is as defined urban runoff and snowmelt runoff consisting only of those discharges which originate from precipitation events. Storm water is that portion of precipitation that flows across a surface to the storm drain system or receiving waters. Examples of this phenomenon include: the water that flows off a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). When all factors are equal, runoff increases as the perviousness of a surface decreases. During precipitation events in urban areas, rain water picks up and transports pollutants through storm water conveyance systems, and ultimately to waters of the United States.

Toxicity - Adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies.

Total Maximum Daily Load (TMDL) – The TMDL is the maximum amount of a pollutant that can be discharged into a water body from all sources (point and non-point) and still maintain water quality standards. Under Clean Water Act Section 303(d), TMDLs must be developed for all water bodies that do not meet water quality standards after application of technology-based controls.

Urban Runoff – Urban runoff is defined as all flows in a storm water conveyance system and consists of the following components: (1) storm water (wet weather flows) and (2) non-storm water illicit discharges (dry weather flows).

Waste – As defined in California Water Code Section 13050(d), “waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.” Article 2 of CCR Title 23, Chapter 15 (Chapter 15) contains a waste classification system which applies to solid and semi-solid waste which cannot be discharged directly or indirectly to water of the state and which therefore must be discharged to land for treatment, storage, or disposal in accordance with Chapter 15. There are four classifications of waste (listed in order of highest to lowest threat to water quality): hazardous waste, designated waste, nonhazardous solid waste, and inert waste.

Water Quality Objective – Numerical or narrative limits on constituents or characteristics of water designated to protect designated beneficial uses of the water. [California Water Code Section 13050 (h)] California’s water quality objectives are established by the State/Regional Water Boards in the Water Quality Control Plans.

As stated in the Porter-Cologne Requirements for discharge (CWC 13263): "(Waste discharge) requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241."

Numeric or narrative limits for pollutants or characteristics of water designed to protect the beneficial uses of the water. In other words, a water quality objective is the maximum concentration of a pollutant that can exist in a receiving water and still generally ensure that the beneficial uses of the receiving water remain protected (i.e., not impaired). Since water quality objectives are designed specifically to protect the beneficial uses, when the objectives are violated the beneficial uses are, by definition, no longer protected and become impaired. This is a fundamental concept under the Porter Cologne Act. Equally fundamental is Porter Cologne’s definition of pollution. A condition of pollution exists when the water quality needed to support designated beneficial uses has become unreasonably affected or impaired; in other words, when the water quality objectives have been violated. These underlying definitions (regarding beneficial use protection) are the reason why all waste discharge requirements implementing the federal NPDES regulations require compliance with water quality objectives. (Water quality objectives are also called water quality criteria in the Clean Water Act.)

Water Quality Standards – are defined as the beneficial uses (e.g., swimming, fishing, municipal drinking water supply, etc.) of water and the water quality objectives necessary to protect those uses.

Waters of the United States – Waters of the United States can be broadly defined as navigable surface waters and all tributary surface waters to navigable surface waters. Groundwater is not considered to be a Waters of the United States. As defined in 40 CFR 122.2, the Waters of the U.S. are defined as: **(a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;** (b) All interstate waters, including interstate “wetlands;” (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition: **(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;** (f) The territorial seas; and (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

Watershed – That geographical area which drains to a specified point on a water course, usually a confluence of streams or rivers (also known as drainage area, catchment, or river basin).